OFFICIAL PROCEEDINGS MINNEAPOLIS CITY COUNCIL

REGULAR MEETING OF FEBRUARY 8, 2013

(Published February 16, 2013, in *Finance and Commerce*)

Council Chamber 350 South 5th Street Minneapolis, Minnesota

February 8, 2013 - 9:30 a.m.

Council President Johnson in the Chair.

Present - Council Members Quincy, Glidden, Goodman, Hodges, Samuels, Gordon, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill, President Johnson.

Lilligren moved adoption of the agenda. Seconded.

Samuels moved to amend the agenda to include under "Resolutions" the following:

- Resolution honoring Activist Mahmoud El-Kati.
- Resolution honoring the 2013 Martin Luther King, Jr. Essay Contest Winners. Seconded.

Adopted upon a voice vote.

The agenda, as amended, was adopted upon a voice vote.

Lilligren moved acceptance of the minutes of the regular meeting of January 25, 2013 and the adjourned session held January 25, 2013. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions, communications, and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

COMMITTEE OF THE WHOLE:

ATTORNEY (276273)

Lobbying: Ethics Officer report pursuant to Section 15.40 (b) (4) of the Minneapolis Code of Ordinances.

INTERGOVERNMENTAL RELATIONS (276272)

State Legislative Update: Governor Dayton's Tax Policy Aids and Credits Fiscal Year 2014/2015 budget proposal.

COMMITTEE OF THE WHOLE (See Rep):

COORDINATOR (276274)

Creative Vitality Index (CVI) Report: Approve staff direction to continue reporting annually on the CVI; convene stakeholders to develop strategies on how to drive job growth in the bottom five lowest performing creative occupations; use data to develop a new Minneapolis Plan for Arts, Culture and the Creative Economy; and review the Zoning Code to develop a mechanism that allows small scale production artists and arts organizations to utilize industrial equipment in art making processes.

INTERGOVERNMENTAL RELATIONS (276275)

Immigration Reform: Amendments to the State Legislative Agenda relating to higher education and driver's license procedures; and to the Federal Agenda to support immigration reform.

INTERGOVERNMENTAL RELATIONS (276276)

Municipal Building Commission: Amendment to the State Legislative Agenda to retain the MBC and permit the implementation of modern administrative procedures and oversight.

Firearms: Amendments to the State Legislative Agenda pertaining to firearms and the Federal Agenda by supporting the Obama Administration's plan "Now is the Time: The President's plan to protect our children and our communities by reducing gun violence".

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276277)

Alliance Housing Inc: Request to grant exclusive development rights for 27th & Penn Ave N redevelopment site.

Minnesota Family Investment Program: Authorizing contracts with Hennepin County to receive funding.

Great Streets Façade Improvement Program Administration: Authorizing contracts.

Plan-It Hennepin: Plan.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276278)

Calhoun Place Housing Improvement Area (re 3131 Excelsior Ave): Enabling ordinance to facilitate certain improvements to Calhoun Place Condominiums; related actions.

2013 Preliminary Planning Fund Allocations.

African Development Center: Allocation to service outstanding portfolio of City Partnership loans.

Issuance of Tax-Exempt Revenue Bonds in 2013: Authorizing staff to utilize tax-exempt revenue bond financing for industrial/manufacturing projects.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH:

COORDINATOR (276279)

2012 Homegrown Mpls Food Council First Annual Report.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH (See Rep):

HEALTH AND FAMILY SUPPORT (276280)

Youth Violence Prevention Executive Committee: Appointment of Tracine Asberry.

NEIGHBORHOOD AND COMMUNITY RELATIONS (276281)

Minneapolis Senior Citizen Advisory Committee: Appointments/reappointments.

PUBLIC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT (276282)

Home Visiting Services for Women & Young Children: Accept grant funds from MN Department of Health, authorize contract.

POLICE DEPARTMENT (276283)

Coverdell Forensic Science Improvement Program: Accept grant funds & authorize contract with MN Department of Public Safety-Office of Justice Programs.

PURCHASING (276284)

Fire Fighter Turnout Clothing: Low responsive bid of Innotex, Inc.

REGULATORY SERVICES (276285)

Dog & Cat Food & Supplies: Accept in-kind donations.

REGULATORY, ENERGY AND ENVIRONMENT:

LICENSES AND CONSUMER SERVICES (276286)

Conditions on Licenses: Set public hearing for February 11, 2013 re amendments to Title 14, Chapter 362 and Title 13, Chapter 259.

REGULATORY, ENERGY AND ENVIRONMENT (See Rep):

COORDINATOR (276287)

Citizen Environmental Advisory Committee (CEAC): Reestablish as Minneapolis Community Environmental Advisory Commission.

HEALTH AND FAMILY SUPPORT (276288)

Commercial Building Energy Rating and Disclosure: Ordinance requiring annual benchmarking and disclosure of energy and water performance metrics from city-owned and large private commercial buildings; Comments.

LICENSES AND CONSUMER SERVICES (276289)

French Meadow Bakery and Cafe, 2610 Lyndale Ave S: Grant On-Sale Wine Class E with Strong Beer License.

The Lounge, 411 2nd Ave N: Grant On-Sale Liquor Class A with Sunday Sales License.

Northgate Brewing, 3134 California St NE: Grant Off-Sale Malt Liquor Growler License; Comments.

Spill the Wine, 901 W Lake St: Grant On-Sale Liquor Class E with Sunday Sales and Sidewalk Cafe License; Comments.

Burch Steak and Pizza Bar, 1934 Hennepin Ave: Grant On-Sale Liquor Class E with Sunday Sales License, subject to conditions; Comments.

LICENSES AND CONSUMER SERVICES (276290)

Old Colony EZ Stop, 1717 Broadway St NE: Approve License Settlement Conference recommendations relating to Off-Sale Beer License.

Union Liquor Store, 3219 Penn Ave N: Approve License Settlement Conference recommendations relating to Off-Sale Liquor License.

La Colonia Restaurant, 2205 Central Ave NE: Approve License Settlement Conference recommendations relating to Wine Class E with Strong Beer License.

Ultra Wash, 2112 E Lake St: Grant Extended Hours License.

LICENSES AND CONSUMER SERVICES (276291)

Licenses: Grant applications recommended for approval.

LICENSES AND CONSUMER SERVICES (276292)

Commercial Pedal Car: Ordinances licensing and regulating commercial pedal car businesses; Comments.

REGULATORY SERVICES (276293)

Rental Dwelling License at 2431 Chicago Ave: Revoke license held by Abdulazia Sheikh. Rental Dwelling License at 2120 Emerson Ave N: Revoke license held by Camisha J. Terry.

REGULATORY, ENERGY AND ENVIRONMENT and W&M/BUDGET and Z&P (See Rep):

FINANCE DEPARTMENT (276294)

Fire Station No 4 Photovoltaic System: Contract amendment with Energy Concepts.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (276295)

Car Sharing Pilot Program: Update.

Organized Solid Waste Collection Process: Update.

PUBLIC WORKS AND ENGINEERING (276297)

Quarterly Traffic Zones, Restrictions, and Controls: Documentation for 3rd quarter 2012 (See Petn No 276074).

TRANSPORTATION AND PUBLIC WORKS (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (276296)

Federal Aviation Administration on Draft Finding of No Significant Impact/Record of Decision (FONSI/ROD) for proposed 2020 Improvement Project at the Minneapolis-St. Paul International Airport: Comments.

PUBLIC WORKS AND ENGINEERING (276298)

Page Area (No 5248) and 54th St E (No 5249) Street Resurfacing Projects: Project designation.

Oak Lake Ave N and 10th Ave N Street Resurfacing Project No 5246: Project designation.

Skyway Advisory Committee: Appointments.

University of Minnesota Trail Project, Phase III: Agreements with Minnesota Department of Transportation.

Safe Routes to School: Grant solicitation.

TRANSPORTATION AND PUBLIC WORKS and ZONING AND PLANNING (See Rep):

PUBLIC WORKS AND ENGINEERING (276299)

Penn Ave S Street Reconstruction & Street Lighting Project No 6748: Project approval and assessment public hearing; Comments. (Street Lighting Project No 6748L denied).

Winter Street NE Street Reconstruction Project No 2226: Project approval and assessment public hearing; Comments.

The Interchange Project: Cooperative agreement with Hennepin County for public infrastructure improvements.

Bids: a) OP 7726, Low bid of Preferred Electric, Inc. for LED Light Fixture System and Dimmable Wireless System at Mill Quarter Ramp; and b) OP 7738, Low bid of Marge Magnuson Construction Company, Inc. for concrete slab replacement - activated carbon tank.

WAYS AND MEANS BUDGET:

FINANCE AND PROPERTY SERVICES DEPARTMENT (276300) 2013 Capital Budget Resolution Technical Changes: Receive and file.

WAYS AND MEANS BUDGET (See Rep):

CITY CLERK (276301)

Bid: Accept low bid (Bid No. HLS07192012) of Canon Business Solutions, Inc., in the amount of \$99,000, to furnish and deliver rental of a duplicating machine for 36 months.

COMMUNICATIONS (276302)

March 2013 Utility Billing Insert: Approve insert on behalf of Public Works and Metro Blooms providing information about rain garden workshops.

CONVENTION CENTER (276303)

Contract Amendment: Extend contract with FedEx Office and Print Services, Inc., through September 30, 2013 to continue operating the Business Center to ensure a satisfactory timeframe to complete the Request for Proposals (RFP) process.

EXECUTIVE COMMITTEE (276304)

New Appointed Positions:

Approve new positions: CPED - Director Long Range Planning, Grade 15; CPED - Director Development Services, Grade 16; and Assistant Director of Civil Rights - Employment Equity, Grade 10; and Passage of Salary Ordinances.

Collective Bargaining Agreements:

Authorize agreements between the City of Minneapolis and Public Works Engineers Association and the Police Officers Federation of Minneapolis.

FINANCE AND PROPERTY SERVICES DEPARTMENT (276305)

Bid OP #7733: Accept low bid of Mayer Electric Corporation in the amount of \$96,330 to furnish and install a standby generator at the Traffic Management Center.

INFORMATION TECHNOLOGY DEPARTMENT (276306)

B2Gnow Contract: Authorize new agreement with BSGnow/AskReply, Inc. for the remainder of a three year period, through October 31, 2014, for services related to the Prevailing Wage/Workforce module for use as part of the Civil Rights contract compliance data management system, with a not to exceed amount of \$50,000.

NEIGHBORHOOD AND COMMUNITY RELATIONS (276307)

St Stephen's Contract Amendment: Authorize amendment #6 to Contract C-24688 to extend the contract period to December 31, 2013, and increase the total contract amount by \$380,013 for services to be provided in 2013.

ZONING AND PLANNING (See Rep):

BOARD OF ADJUSTMENT (276308)

Appeal:

2380 West Lake of the Isles Parkway: Deny appeal filed by Steven Wells from the decision of the BOA to deny an appeal of the Zoning Administrator's approval of a new single family dwelling on the contention that the front yard setback was improperly determined.

HERITAGE PRESERVATION COMMISSION (276309)

Historic Landmark Designation:

Town Talk Diner (2707 1/2 East Lake St).

PLANNING COMMISSION/DEPARTMENT (276310)

Vacation:

Hi-Lake Triangle (2230 E Lake St): Approve vacation of a public alley as part of land use approvals associated with a new mixed use development.

FILED:

CHARTER COMMISSION (276311)

Proposal for discussion from Commissioner Devin Rice: Changing the city's municipal election cycle to even-numbered years.

COUNCIL MEMBER HOFSTEDE (276312)

Constituent comments re: possible re-classification of business type, re-zoning, and/or relocation of CSL Plasma; and opposition to relocation to the Bruce Printing Building at 27th and University.

PRG, Inc. (276313)

Vacate part of alley in vicinity of Bloomington Ave S, 16th Ave S, Midtown Greenway.

ST ANTHONY RAMP LLC (276314)

West portion of 2nd Avenue Southeast right of way between 2nd Street Southeast and University Ave Southeast.

The following reports were signed by Mayor Rybak on February 13, 2013, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMITTEE OF THE WHOLE submitted the following reports:

Comm of the Whole/IGR - Your Committee recommends that the City's agenda for the 2013 Legislative Session, adopted December 14, 2012, be amended to include in the "Municipal Governance" section as a Priority issue the following language:

 Legislation that retains the Municipal Building Commission (MBC), and permits the implementation of modern administrative procedures and oversight.
 Adopted.

Comm of the Whole/IGR - Your Committee recommends that the City of Minneapolis 2013 Legislative Agenda, adopted December 14, 2012, be amended to reflect the following additions related to immigration reform:

- a) In the section entitled City Livability: Minneapolis Supports, insert the following language:
 - Adoption of legislation that allows all students graduating from Minnesota High Schools to pay in-state tuition, to apply for State Student Financial Aid and to receive scholarships created with private funds from the University of Minnesota and the Minnesota State College and Universities system.
- b) In the section entitled Municipal Governance: Minneapolis Supports, insert the following language:
 - Legislation that modifies the Minnesota driver's license procedures to allow information regarding the applicant to be gathered from an identification card issued by a government other than the United States.

Adopted.

Comm of the Whole/IGR - Your Committee recommends that the City's Fiscal Year 2013 Federal Legislative Agenda, adopted February 24, 2012, be amended by adding the following language in the Policy Initiatives Section:

Immigration Reform. It is anticipated that the President will send to Congress a proposal to reform the nation's immigration policies. In developing a national immigration policy the city recommends that the President and Congress consider the following policy principles:

- 1. Establish a "common sense" immigration system for undocumented immigrants. The system should be a roadmap to permanent residency and eventual citizenship for the estimated 11 million undocumented immigrants. The roadmap could include registration, background checks, and knowledge of American civics, the economy and English.
- 2. Protects the unity and sanctity of the family, including the families of bi-national and same-sex couples, by reducing the family backlogs and keeping spouses, parents and children together.
- 3. Ends the exploitation of U.S. and immigrant workers by providing sufficient, safe, and legal avenues for foreign workers to fill legitimate gaps in our workforce, with full labor rights, protection from discrimination, and a reasonable path to permanency that lifts up wages and working conditions for all workers and their families;
- 4. Ensures smart and accountable enforcement that promotes the safety of our communities;
- 5. Attracts the best and the brightest investors, innovators, and skilled professionals, including those in science, technology, engineering, and math (STEM) studies, to help strengthen our economy, create jobs, and build a brighter future for all Americans;
- 6. Builds on the extraordinary success of the Deferred Action for Childhood Arrivals (DACA) program and incorporates DREAMers—those who were brought to the U.S. at a young age and are Americans but for a piece of paper—into the mainstream of life in the United States through a path to citizenship so that America benefits from their scholastic achievements, military service and pursuit of their dreams;
- 7. Includes a balanced, workable solution for the agriculture industry that ensures agricultural workers have a route to citizenship and employers have the workers and American agriculture continues to lead in our global economy;
- 8. Strengthens our commitment to providing protection to those fleeing persecution and torture, holding true to our deeply held belief in the freedom to be who you want to be and say what you want to say; and
- 9. Renews our commitment to citizenship, to ensure all workers pay their fair share of taxes, fully integrate into our way of life and bear the same responsibilities as all Americans and reaffirms our shared belief that the Citizenship Clause of the Constitution is a fundamental freedom that must be preserved.

Adopted.

Comm of the Whole/IGR - Your Committee, having under consideration proposed amendments to the City of Minneapolis 2013 Legislative Agenda relating to firearms, now recommends that the City's Legislative Agenda, adopted December 14, 2012, be amended as follows:

a) That the current firearms related items listed according to context be regrouped into one single unified firearms section and placed in the Priority section.

Current items should be amended as follows:

- 1. Prohibit carrying a pistol with a blood-alcohol concentration of .08 or more. (Delete: encompassed in new time as a gross misdemeanor)
- 2. Legislation supporting significant gun control measures including the mandatory reporting of any lost or stolen firearm, strengthening laws regulating the transfer of firearms, the

prohibition of possessing replica guns in public, and measures to stop the flow of handguns to youth. (Move to Priority section, possible as an overarching intro statement).

- 3. Legislation disqualifying an offender who violates a domestic abuse no contact order or interferes with an emergency call from owning or possessing a pistol. (Move to Priority section)
 - b) Include in the "Firearms" section as a Priority issue the following language:
 - 1. Create a gross misdemeanor offense for carrying a firearm while under the influence.
- 2. Reduced access to firearms and revoke firearms permits for those who have experienced a mental health incident that required the intervention of law enforcement, such as a 72-hour hold. Current law restricts access to firearms for those having been adjudicated as having a mental health limitation.
- 3. Clarify that uninvited people and trespassers on private land may not circumvent Minnesota's permit to carry law.
- 4. Amendment to the state law that preempts the ability of local jurisdictions to implement firearms safety ordinances appropriate to that community.
 - c) Include in the "Firearms" section as a Support issue the following language: Reducing Gun Violence
- 1. Prohibit those convicted of actual or attempted domestic abuse by strangulation from possessing a firearm.
 - 2. Increased discretionary power for municipalities to grant or deny firearm permits.
- 3. Creation of a legislatively mandated, multi-disciplinary gun violence policy committee to look in-depth at Minnesota's gun laws, and to make recommendations to the legislature.
 - 4. Require the reporting of lost or stolen firearms. Adopted.

Comm of the Whole/IGR - Your Committee recommends that the City's Fiscal Year 2013 Federal Legislative Agenda, adopted February 24, 2012, be amended by supporting the Obama Administration's plan, "Now is the Time: The President's plan to protect our children and our communities by reducing gun violence" as announced in January, 2013 including:

- 1. Closing background check loopholes to keep guns out of dangerous hands.
 - Require criminal background checks for all gun sales.
 - Strengthen the background check system.
- 2. Banning military-style assault weapons and high-capacity magazines and taking other common-sense steps to reduce gun violence.
 - Get military-style assault weapons and high-capacity magazines off the street.
 - Give law enforcement additional tools to prevent and prosecute gun crime
 - End the freeze on gun violence research.
 - Preserve the rights of health care providers to protect their patients and communities from gun violence.
 - Encourage gun owners to live up to their responsibility to store guns safely.
 - 3. Making Schools Safer.
 - Put up to 1,000 more school resource officers and counselors in schools and help schools invest in safety.
 - Ensure every school has a comprehensive emergency management plan.
 - · Create a safer climate at schools across the country.

- 4. Improving mental health services.
 - Make sure students and young adults get treatment for mental health issues.
 - Ensure coverage of mental health treatment.

Adopted.

Comm of the Whole - Your Committee, having received the Creative Vitality Index Report (CVI), now recommends that staff in the Department of Community Planning & Economic Development, the City Coordinator's Office, and other City staff as appropriate be directed as follows:

- a) Continue to report annually on the Creative Vitality Index data as an annual measure of the City's creative sector and to bi-annually produce a report.
- b) Convene stakeholders in the bottom five lowest performing creative occupations, as defined and identified by the CVI, in order to develop strategies on how to drive job growth by attracting and retaining creative sector workers to the City.
- c) Consider and utilize the most current data provided by the CVI report in the development of a new Minneapolis Plan for Arts, Culture and the Creative Economy, to be completed by 2015, when the current Minneapolis Plan for Arts and Culture expires.
- d) Review the existing Zoning Code in commercial zoning districts to develop a mechanism that allows small scale production artists and arts organizations to utilize industrial equipment in art making processes. Ensure that appropriate controls and oversight accompanies these zoning changes to prevent impacts to surrounding properties. Adopted.

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee, having under consideration the request of the Department of Community Planning & Economic Development to grant exclusive development rights for 12 months with possible 6 month extension to Alliance Housing Incorporated for five residential parcels comprising the 27th and Penn Ave N development site, now recommends denial of said request and in lieu thereof, that the proper City officers be directed to initiate a Request for Proposals process for this site.

Adopted.

Comm Dev - Your Committee recommends that the proper City officers be authorized to enter into two contracts with Hennepin County (HC# A121442 and HC# A102287-3) for the operation of the Minnesota Family Investment Program to receive a total of \$215,547 for the period 1/1/2013 to 12/31/2013.

Adopted.

Comm Dev - Your Committee recommends that the proper City officers be authorized to execute \$350,000 in contracts for Great Streets Façade Improvement Program Matching Grant Administration with Bancroft Neighborhood Association, Field Regina Northrop Neighborhood Group, Lake Street Council, Nicollet-East Harriet Business Association, Northeast Minneapolis Chamber of Commerce, Seward Redesign, West Broadway Business and Area Coalition and Whittier Alliance, consistent with the recommendations contained in the Department of Community Planning & Economic Development staff report.

Adopted.

Comm Dev - Your Committee, having under consideration Plan-It Hennepin, a planning process document involving and engaging arts, business, philanthropy, education, religious and public sectors in a reinvention of Hennepin Avenue as a nationally acclaimed, year-round cultural destination, now recommends approval of the recommendations contained in the Plan-It Hennepin document, including:

- a) Formal endorsement of the plan;
- b) Recognition of the Hennepin Cultural District, an area following (generally) Hennepin Ave from the Walker Art Center to the Mississippi River, encompassing parallel and connecting streets, with the zones comprising the districts named Hennepin-Lyndale Gateway, Hennepin-Harmon District, Hennepin Theatre District and Riverfront Gateway;
- c) Collaborating with the District Alliance to facilitate development consistent with the District; reserving a seat for the City on the District Alliance executive board and authorizing the Mayor and Ward 7 Council Member to appoint a City representative to fill that seat; and authorizing the City Coordinator to identify a liaison to the City's special projects committee re assisting with regulatory and permitting needs for projects and initiatives;
- d) Providing directions to staff of the Departments of Community Planning & Economic Development, Health, Regulatory Services, Public Works, City Coordinator and Intergovernmental Relations and returning to the City Council when appropriate for consideration of additional actions.

Adopted.

The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee, having under consideration establishment of the Calhoun Place Housing Improvement Area, a tool to provide public financing for renovations to the Calhoun Place condominium property at 3131 Excelsior Blvd using taxable, general obligation bonds, now recommends:

- a) Passage of the accompanying ordinance amending Title 16 of the Minneapolis Code of Ordinances relating to *Planning and Development*, adding a new Chapter 421 authorizing Housing Improvement Areas and establishing Article 1 entitled, "Calhoun Place Housing Improvement Area" in order to facilitate certain improvements to property known as the "Calhoun Place Condominiums:"
- b) Passage of the accompanying resolution authorizing issuance of taxable general obligation housing improvement area bonds in compliance with Minnesota Statutes contingent upon the ordinance and fee resolution becoming effective;
- c) Passage of the accompanying resolution imposing Housing Improvement Area fees for the Calhoun Place Housing Improvement Area project;
- d) That the proper City officers be authorized to 1) enter into a permanent financing agreement with the Calhoun Place construction lender, currently Western Bank, consistent with the terms and conditions in the Department of Community Planning & Economic Development staff report; and 2) negotiate and execute a financing agreement and any related agreements with the Calhoun Place Condominium Homeowners Association based upon the financing terms and conditions summarized in the staff report.

Adopted.

Approved by Mayor Rybak 2/8/2013. (Published 2/12/2013)

Ordinance 2013-Or-006 amending Title 16 of the Minneapolis Code of Ordinances relating to Planning and Development, adding a new Chapter 421 authorizing Housing Improvement Areas and establishing Article 1 entitled "Calhoun Place Housing Improvement Area," was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-006
By Goodman and Hodges
Intro & 1st Reading: 12/14/2012
Ref to: Comm Dev & W&M/Budget
2nd Reading: 2/8/2013

Amending Title 16 of the Minneapolis Code of Ordinances relating to *Planning and Development* by adding a new Chapter 421 authorizing Housing Improvement Areas and establishing Article 1 entitled "Calhoun Place Housing Improvement Area."

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 421 to read as follows:

CHAPTER 421. HOUSING IMPROVEMENT AREAS

The City of Minneapolis ("City") is authorized under Minnesota Statutes, Sections 428A.11 to 428A.21 (the "Housing Improvement Act") to establish by ordinance housing improvement areas within which housing improvements are made or constructed and the costs of the improvements are paid in whole or in part from fees imposed within the area.

ARTICLE 1. - CALHOUN PLACE HOUSING IMPROVEMENT AREA

- **421.10.** Calhoun Place Housing Improvement Area. (a) The City has determined a need to establish the Calhoun Place Housing Improvement Area as further defined herein, in order to facilitate certain improvements to property known as the "Calhoun Place Condominium," all in accordance with the Housing Improvement Act.
- (b) The City has consulted with the Calhoun Place Condominium Association (the "Association") and with residents in the Calhoun Place Housing Improvement Area regarding the establishment of such area and the housing improvements to be constructed and financed under this ordinance.
- **421.20. Findings.** (a) The Council finds that, in accordance with Section 428A.12 of the Housing Improvement Act and the City's Housing Improvement Area policy, owners of at least 75 percent of the housing units within the Calhoun Place Improvement Area have filed a petition with the City Clerk requesting a public hearing regarding establishment of such housing improvement area.

- (b) The Council has on January 29, 2013 conducted a public hearing, duly noticed in accordance with the Housing Improvement Act, regarding adoption of this ordinance at which all persons, including owners of property with the Calhoun Place Housing Improvement Area were given an opportunity to be heard.
- (c) The Council finds that, without establishment of the Calhoun Place Housing Improvement Area, the Housing Improvements (as hereinafter defined) could not be made by the Association or the housing unit owners.
- (d) The Council further finds that designation of the Calhoun Place Housing Improvement Area is needed to maintain and preserve the housing units within such area.
- (e) For the purpose of providing full disclosure of public expenditures and financing arrangements for the Calhoun Place Housing Improvement Area (as required under Section 428A.13, subd. 1a(1) of the Housing Improvement Act), the Council determines that the City expects to finance Housing Improvements by issuing general obligation bonds primarily secured by the housing improvement fee imposed on unit owners within the Calhoun Place Housing Improvement act, and also secured by the City's full faith and credit and taxing powers, as further described in Section 6 hereof.
- (f) In accordance with Section 428A.13, subd. 1a(2) of the Housing Improvement Act, the Council determines that the Association will contract for construction of the Housing Improvements.
- **421.30. Housing Improvement Area Defined.** (a) The Calhoun Place Housing Improvement Area is hereby defined as the area of the City legally described as follows: Common Interest Community Number 1227, Lots 16, 17, 18, 19, 20, 21 and 27 Auditor's Subdivision Number 164, Hennepin County, Minnesota, according to the recorded plat thereof, on file and of record in the Office of the Registrar of Titles in and for Hennepin County, Minnesota.
- (b) The Calhoun Place Housing Improvement Area contains 107 housing units as of the date of adoption of this ordinance, along with common areas.
- **421.40.** Housing Improvements Defined. (a) For the purposes of this ordinance and the Calhoun Place Housing Improvement Area, the term "Housing Improvements" shall mean the following improvements to housing units and common areas within the Calhoun Place Housing Improvement Area:
- (1) Complete replacement of the Exterior Insulation and Finishing System (EFIS), including the sheathing below it.
- (2) Replacement of all the windows and balcony doors, including lowering the balcony door thresholds down to the level of the balconies.
- (3) Repainting the balcony railings and all of the other metal components of the balconies and their support systems.
 - (4) Resurface balcony decks.
 - (5) Repairs to the balcony decks and the posts of the balcony railings, as needed.

- (b) Housing Improvements shall also be deemed to include:
- (1) All costs of architectural and engineering services, overhead, and all similar soft costs in connection with the activities described in Section 4.01, including without limitation costs of a professional construction manager.
- (2) All administration, legal and consultant costs in connection with the Calhoun Place Housing Improvement Area; and
- (3) Costs of financing the Housing Improvements under the Housing Improvement Act, whether through issuance of bonds or through advances of City funds, including the amount of any debt service reserve fund and City process expenses or other expenses deemed reasonable and necessary by the City in connection with such bonds and the financing described herein.
- **421.50.** Housing Improvement Fee. (a) The City may, by resolution adopted in accordance with the petition, hearing and notice procedures required under the Housing Improvement Act, impose a fee on the housing units within the Calhoun Place Housing Improvement Area, at a rate, term or amount sufficient to produce revenues required to provide the Housing Improvements (hereinafter referred to as the "Housing Improvement Fee"), subject to the terms and conditions set forth in this Section.
- (b) Any Housing Improvement Fee shall be imposed on the basis of each unit's share of common expenses as defined in the Declaration for Calhoun Place Condominium Common Interest Community Number 1227 (the "Declaration"). The Council specifically finds that such allocation is more fair and reasonable than a fee based upon the tax capacity or square footage of each housing unit, because the Association and unit owners themselves have determined that the percentage share for each unit set forth in the Declaration is an equitable means of allocating common costs such as the Housing Improvements.
- (c) The Housing Improvement Fee shall be imposed and payable for a period no greater than 19 years from January first of the first year fees are due and payable.
- (d) Any Housing Improvement Fee shall not be prepayable except as otherwise specified in the resolution imposing the Housing Improvement Fee.
- (e) The resolution imposing the Housing Improvement Fee may provide that any fee not prepaid by the housing unit owner shall be deemed to include interest on unpaid Housing Improvements costs at a rate to be calculated at the time of bond closing by the City Finance Officer.
- (f) The Housing Improvement Fee shall be collected at the same time and in the same manner as provided for payment and collection of ad valorem taxes, in accordance with Section 428A.15 of the Housing Improvement Act and Minnesota Statutes, Section 428A.05. As set forth in Section 428A.14, subd. 2 of the Housing Improvement Act, the Housing Improvement Fee is not included in the calculation of levies or limits on levies imposed under any law or charter.

- (g) The Housing Improvement Fee shall not exceed the maximum annual amount specified in the notice of public hearing regarding the approval of such fee; provided, however, that the Housing Improvement Fee may be reduced after approval of the resolution setting the Housing Improvement Fee, based on the actual bond issuance terms in the manner specified in such resolution.
- **421.60. Issuance of Bonds.** At any time after the effective date of this ordinance and after the Association completes construction of the Housing Improvements as determined by the City, the Council may issue bonds in the principal amount necessary to finance the cost of the Housing Improvements that have not been prepaid together with up to \$350,000 of financing costs including capitalized interest, debt service reserve, costs of issuance of the bonds and city processing fee, provided that the principal amount of the bonds will not exceed \$2,350,000. Such bonds shall be issued pursuant to and in accordance with Section 428A.16 of the Housing Improvement Act.
- **421.70. Annual Reports.** (a) On August 15, 2013 and each August 15 thereafter until the Housing Improvement Fee and all interest thereon is paid in full and all Housing Improvement Fee revenues have been expended, the Association (and any successor in interest) shall be required to submit to the Minneapolis Department of Community Planning and Economic Development a copy of the Association's audited financial statements.
- (b) The Association (and any successor in interest) shall also submit to the City any other reports or information at the times and as required by any contract entered into between that entity and the City.
- **421.80. Notice of Right to File Objections.** Within five days after the adoption of this ordinance, the Department of Finance and Property Services is authorized and directed to mail to the owner of each housing unit in the Calhoun Place Housing Improvement Area: a summary of this ordinance; notice that owners subject to the proposed Housing Improvement Fee have a right to veto this ordinance if owners of at least 45 percent of the housing units within the Calhoun Place Housing Improvement Area file an objection with the City Clerk before the effective date of this ordinance; and notice that a copy of this ordinance is on file with the City Clerk for public inspection.
- **421.90. Amendment.** This ordinance may be amended by the Council upon compliance with the public hearing and notice requirements set forth in Section 428A.13 of the Housing Improvement Act.
- **421.100. Effective Date.** This ordinance shall be effective 60 days after the later of adoption hereof, or the date of publication of this ordinance, subject to the veto rights of housing unit owners under Section 428A.18 of the Housing Improvement Act and Section 8.01 hereof. Adopted.

Approved by Mayor Rybak 2/8/2013.

Resolution 2013R-034, authorizing the sale and issuance of Taxable General Obligation Housing Improvement Area Bonds for the Calhoun Place Condominiums, 3131 Excelsior Blvd; establishing the forms, terms, and security of such obligations; and making findings and providing covenants and directions relating to the issuance of such obligations, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-034 By Goodman and Hodges

Authorizing the sale and issuance of Taxable General Obligation Housing Improvement Area Bonds (Calhoun Place Condominiums); establishing the forms, terms, and security of such obligations; and making findings and providing covenants and directions relating to the issuance of such obligations.

Resolved by The City Council of The City of Minneapolis:

SECTION 1. BACKGROUND.

- 1.01. Housing Improvement Areas Act. Pursuant to the provisions of Minnesota Statutes, Sections 428A.11-428A.21, as amended (the "Housing Improvement Areas Act"), the City of Minneapolis (the "City") is authorized to: (i) establish housing improvement areas within the City; (ii) assist in the provision of housing improvements, including improvements to common elements of a condominium or other common interest community, within a housing improvement area; (iii) issue general obligation bonds to finance, in whole or in part, the expenses incurred and estimated to be incurred in making the housing improvements in a housing improvement area; and (iv) impose housing improvement fees on the housing units within a housing improvement area to provide revenues sufficient to pay the principal of, premium, if any, and interest on the general obligation bonds issued to finance the housing improvements with respect to such housing units.
- 1.02. <u>Housing Improvement Area Policy</u>. On September 3, 2010, the Council of the City directed the Finance Officer of the City (the "Finance Officer") to draft a housing improvement area policy and related procedures in accordance with the terms and conditions of the Housing Improvement Areas Act. On February 11, 2011, the Council approved a Housing Improvement Area Policy (the "HIA Policy"), which established the conditions under which housing improvement areas may be approved by the Council and provided a framework within which requests for the establishment of housing improvement areas will be considered.
- 1.03. Application from Calhoun Place. Following the adoption of the HIA Policy, the City received an application from the Calhoun Place Condominium Homeowners Association (the "Association"), on behalf of the owners of the condominium units in Calhoun Place, a 107-unit multifamily housing development located at 3131 Excelsior Boulevard in the City ("Calhoun Place"), for public assistance pursuant to the terms of the Housing Improvement Areas Act and the HIA Policy. The application was accompanied by a petition signed by over eighty percent (80%) of the condominium owners requesting a public hearing on the imposition of housing improvement fees on the owners of the condominium units in Calhoun Place.
- 1.04. <u>Calhoun Place</u>. Calhoun Place was built in 1987 with an exterior insulating foam system ("EIFS") exterior. With an EIFS wall system, the exterior of the building is covered with sheets of rigid foam insulation, which is then covered with a synthetic stucco. The foam insulation sheets are sealed with caulk. In 2003, the building was converted from apartments to condominiums and the Association was formed. Shortly after the conversion, the Association discovered that the caulk is deteriorating. The deteriorating caulk has enabled moisture to penetrate the joints and has caused deterioration to the façade, interior walls, and the EIFS

exterior. A \$400,000 legal settlement was received from the conversion developer of Calhoun Place.

Since the \$400,000 legal settlement occurred, the Association has taken several steps toward repairing the damage to the Calhoun Place building, including the following: (i) the Association has conducted several tests to determine the extent of the exterior surface failure and the resulting water damage, and to estimate the possible presence of mold or other complicating factors; (ii) the Association has been building its financial reserves through regular Association dues to assist in financing any required repairs; (iii) Encompass Inc., an engineering firm, was hired to create written plans and specifications and to advise the general contractor on behalf of the Association during construction; (iv) Morcon Construction, a general contractor, was hired through a bidding process to complete the housing improvements to the Calhoun Place building; (v) Dunbar Strandness, Inc., a consultant with experience in housing improvement area financing and managing renovation projects for homeowners associations was hired as a project coordinator to guide the Association through the project planning, financing, and construction; and (vi) construction and permanent financing for the project was sought and subsequently denied from at least three local banks.

The primary purpose of the proposed housing improvements to Calhoun Place is for the Association to stabilize and enhance the livability of the Calhoun Place property (Common Interest Community Number 1227, Lots 16, 17, 18, 19, 20, 21 and 27 Auditor's Subdivision Number 164). The housing improvements will be comprised of the following: (i) complete replacement of the EIFS exterior and sheathing with proper drainage within the wall cavity; (ii) replacement of all unit windows and balcony doors, including lowering balcony door thresholds: (iii) repainting the balcony railings, support systems, and related metal components: (iv) resurfacing the balcony decks; and (v) repairs to the balcony decks and the posts of the balcony railings, both as needed. Replacing the exterior surface, windows, and patio doors will also improve the energy efficiency of the building. The patios and balconies will also be made more accessible by lowering the patio door threshold to the floor level to create a more contiguous transition from the interior of the unit to the patio or balcony. The costs of the housing improvements, including the base bid, optional bid alternates, contingencies, and related soft costs, is expected to total \$2,370,626. The housing improvements are weather-sensitive and must be undertaken during the warmer months. Construction is proposed to start in April and end in October of 2013.

- 1.05. Financing. The financing of the housing improvements to Calhoun Place is proposed to be split into a construction phase and a permanent financing phase. The sources of the construction financing include: (i) Association reserve funds; (ii) upfront homeowner payments; and (iii) a construction loan from Western Bank of up to \$2,000,000 (the "Western Bank Loan"). Once the housing improvements are completed, permanent financing is to be provided for a portion of the housing improvements from the proceeds of taxable general obligation bonds proposed to be issued by the City in a maximum principal amount of \$2,350,000. The proceeds of such bonds are to be applied to the payment of the Western Bank Loan, the payment of capitalized interest, the funding of a debt service reserve, the payment of the costs of issuing the Bonds, and the payment of a City processing fee.
- 1.06. <u>Public Hearing</u>. On January 8, 2012, the Community Development Committee established Tuesday, January 29, 2013, as the date for a public hearing before the Community Development Committee to consider: (i) the adoption of an ordinance establishing the Calhoun Place Housing Improvement Area (the "Calhoun Place HIA"), authorizing the housing improvements to Calhoun Place (the "Calhoun Place Housing Improvements"), and authorizing

the imposition of housing improvement fees on the housing units of Calhoun Place (the "Calhoun Place Housing Improvement Fees"); and (ii) the adoption of a resolution (the "Calhoun Place HIA Resolution") imposing the Calhoun Place Housing Improvement Fees on the housing units of Calhoun Place.

- 1.07. <u>Calhoun Place HIA Ordinance</u>. On December 14, 2012, the Council conducted a first reading of an ordinance amending Title 16 of the Minneapolis Code of Ordinances relating to *Planning & Development*, establishing a new Chapter 421 relating to the Calhoun Place Housing Improvement Area (the "Calhoun Place HIA Ordinance").
- 1.08. <u>Council Actions</u>. On January 29, 2013, the public hearing with respect to the Calhoun Place HIA Ordinance and the Calhoun Place HIA Resolution was conducted before the Community Development Committee. On February 8, 2013, the Council conducted a second reading of the Calhoun Place HIA Ordinance and adopted the Calhoun Place HIA Ordinance. On February 8, 2013, the Council adopted the Calhoun Place HIA Resolution.
- 1.09. <u>Definitions</u>. Unless the context otherwise requires, the terms defined in Sections 1.01-1.08 of this Resolution (as defined below) and in this Section 1.09 shall, for all purposes of this Resolution and any resolution supplemental hereto, have the meanings herein specified, such definitions to be equally applicable to both the singular and plural forms of any of the terms defined:

"Bonds" means the same as such term is defined in Section 2 and Section 3 hereof.

"Letter of Representations" means the Blanket Letter of Representations from the City to the Depository Trust Company, New York, New York.

"Municipal Debt Act" means Minnesota Statutes, Chapter 475, as amended.

"Registered owner" or "owner" means the person in whose name a Bond is registered.

"Resolution" means this resolution authorizing the issuance of obligations, as this resolution may be amended or supplemented from time to time.

SECTION 2. ISSUANCE OF BONDS.

There is hereby authorized to be issued by the City its taxable general obligation housing improvement area bonds (the "Bonds") in order to provide permanent financing for a portion of the Calhoun Place Housing Improvements and to finance related costs. The Bonds shall be issued in a principal amount not to exceed \$2,350,000. The Bonds shall be issued in accordance with the terms of the Municipal Debt Act, except that, consistent with the provisions of the Housing Improvement Areas Act, an election is not required and the amount of the Bonds are not included in the determination of the net debt of the City. The Bonds shall be issued as taxable obligations the interest on which will be includable in gross income for federal income tax purposes and the interest on which will be includable in the net taxable income of individuals, estates, and trusts for State of Minnesota income tax purposes.

SECTION 3. TERMS AND FORM OF BONDS.

3.01. <u>Bond Terms</u>. The Bonds are authorized to be issued in accordance with the terms of this Resolution. The Bonds shall be designated "Taxable General Obligation Housing

Improvement Bonds (Calhoun Place Condominiums)" to which shall be added a series designation ("Series 2013" if the Bonds are issued in calendar year 2013 and "Series 2014" if the Bonds are issued in calendar 2014). The Bonds may be issued in more than one series as the Finance Officer may determine. If issued in more than one series, the Finance Officer shall assign an additional series designation in order to distinguish each series from each other series. Any series of Bonds may be designated such other name or names as determined to be appropriate by the Finance Officer. The Bonds shall be dated the date on which such Bonds are issued or on such other date as the Finance Officer may determine, shall be issued in denominations of \$5,000 or any integral multiple thereof, and each bond of each series shall be numbered from R-1 upwards in order of issuance, or with such other numbering and in such other order as the Finance Officer may determine. The Bonds shall be issued in the original aggregate principal amount not to exceed \$2,350,000, or such lesser amount as the Finance Officer shall determine to be sufficient and appropriate to: (i) provide permanent financing for the Calhoun Place Housing Improvements; (ii) pay capitalized interest on the Bonds for a period deemed necessary or appropriate by the Finance Officer; (iii) fund a debt service reserve in an amount deemed necessary or appropriate by the Finance Officer to secure the timely payment of the Bonds; (iv) pay all or a portion of the costs of issuing the Bonds; and (v) pay all or a portion of a City processing fee with respect to the Calhoun Place HIA. The Bonds may be issued with an original issue discount or an original issue premium, in the discretion of the Finance Officer. The Bonds shall bear interest at the rates per annum approved by the Finance Officer in connection with the sale thereof but with a true interest cost not to exceed six and one-half percent (6.50%) per annum. Interest on the Bonds shall be payable semiannually on such months of each year and on the day of such months as determined by the Finance Officer, from the date of the Bonds or the most recent interest payment date to which interest has been paid or duly provided for, computed on the basis of a 360-day year of twelve (12) thirty-day months. The principal of the Bonds shall mature on such dates and in such years and in such principal amounts as shall be determined by the Finance Officer, consistent with the requirements of Section 475.54, subdivisions 1 and 17, of the Municipal Debt Act (determined, if necessary, by combining such maturities with those of other obligations of the City). The Finance Officer may determine to designate any portion of the principal of the Bonds to be combined into one or more term Bonds subject to mandatory sinking fund redemptions in the years and amounts determined by the Finance Officer. The Bonds shall mature on or before twenty (20) years from their date of issuance. The authorization to issue the Bonds is effective without any additional action by the Council and shall be undertaken by the Finance Officer on such date or dates and upon the terms and conditions deemed reasonable by the Finance Officer.

The Finance Officer, in his discretion, shall establish a date on and after which designated maturities of the Bonds shall be subject to redemption and prior payment in whole or in part at the option of the City. The redemption price of the Bonds shall be at such redemption prices, with or without premium, as the Finance Officer shall determine necessary to obtain the lowest interest rates for the Bonds consistent with the finance plan pursuant to which the Bonds are to be issued. The Finance Officer may establish a maturity schedule for the Bonds that includes a combination of serial Bonds and term Bonds, as long as Bonds within a single mandatory redemption are not split among term dates. Term Bonds shall be subject to mandatory sinking fund redemption on such dates and in such amounts as shall be determined by the Finance Officer.

Thirty (30) days prior to any redemption date, notice of any such redemption shall be given by mail to the banks (if any) where the Bonds are payable and to the registered owners, in accordance with the terms of the Municipal Debt Act. In the event of a partial redemption by lot

of the Bonds, the Bond Registrar shall assign to each Bond then outstanding a distinctive number for each \$5,000 of the principal amount of such Bonds and shall select by lot in the manner it determines the order of numbers, at \$5,000 for each number, for all outstanding Bonds of the maturity to be redeemed. The order of selection of Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected, but only so much of the principal amount of each Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. Upon partial redemption of any Bond, the same shall be surrendered in exchange for one or more new Bonds in authorized form for the unredeemed portion of principal. The method of selecting Bonds for optional redemption may be altered in such manner as the Finance Officer shall determine to be necessary and appropriate in the interests of the City and the owners of the Bonds.

- Method of Payment; Bond Registrar and Paying Agent. The Bonds shall be payable as to principal upon presentation and surrender thereof at the office of the Finance Officer, in Minneapolis, Minnesota, as the initial paying agent (the "Paying Agent"), or at the designated office or offices of such other successor Paying Agent as the City may hereafter designate upon sixty (60) days mailed notice to the registered owners at their respective registered addresses. At the written request of the registered owner thereof, or at the direction of the Finance Officer, the payment of a minimum principal amount of Bonds (such minimum being no less than \$100,000) shall be made by wire transfer of immediately available funds to any bank in the continental United States upon presentation and surrender of such Bonds at the office of the Paying Agent. Interest shall be paid by check or draft mailed to the registered owners of record as of the fifteenth day (whether or not a business day) of the month next preceding the applicable interest payment date at their addresses shown on the registration books or, at the written request of a registered owner of at least \$1,000,000 in aggregate principal amount of Bonds or at the direction of the Finance Officer, by wire transfer of immediately available funds to any bank in the continental United States as the registered owner may specify or as the Finance Officer may designate.
- 3.03. <u>Bond Form</u>. The Bonds shall be in substantially the form set forth in EXHIBIT A set forth in Petition No. 276278 on file in the office of the City Clerk, with necessary variations as to name, series designation, number, CUSIP Number, denomination, rate of interest, and date of maturity, the blanks therein to be properly filled in, and with such other additions, deletions, or other changes as the Finance Officer may determine.
- 3.04. Registration. As long as any of the Bonds issued hereunder shall remain outstanding, the City shall maintain and keep at the office of the Finance Officer, in Minneapolis, Minnesota, as the initial bond registrar (the "Bond Registrar"), an office or agency for the registration and transfer of such Bonds, and shall also keep at said office of the Bond Registrar books for such registration and transfer. Upon surrender for transfer of any Bond at the office of a Bond Registrar with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or the registered owner's duly authorized attorney, and upon payment of any tax, fee, or other governmental charge required to be paid with respect to such transfer, the City shall execute and the Bond Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more fully registered Bonds of the same series, of any authorized denominations, and of a like aggregate principal amount, interest rate, and maturity. Any Bonds, upon surrender thereof at the office of the Bond Registrar at the option of the registered owner thereof, may be exchanged for an equal aggregate principal amount of Bonds of the same maturity and interest rate of any authorized denominations. In all cases in which the privilege of exchanging Bonds or transferring fully registered Bonds is exercised, the City shall execute and the Bond Registrar shall deliver Bonds

in accordance with the provisions of this Resolution. For every such exchange or transfer of Bonds, whether temporary or definitive, the City or the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee, or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. Notwithstanding any other provision of this Resolution, the cost of preparing each new Bond upon each exchange or transfer, and any other expenses of the City or the Bond Registrar incurred in connection therewith (except any applicable tax, fee, or other governmental charge) shall be paid by the City. The City and the Bond Registrar shall not be required to make any transfer or exchange of any Bonds called for redemption, nor be obligated to make any such exchange or transfer of Bonds during the fifteen (15) days next preceding the date of the first publication or the mailing (if there is no publication) of notice of redemption in the case of a proposed redemption of Bonds.

- 3.05. Record Dates. Interest on any Bond which is payable, and is punctually paid or duly provided for, on any interest payment date shall be paid to the person in whose name that Bond (or one or more Bonds for which such bond was exchanged) is registered at the close of business on the fifteenth day of the preceding month. Any interest on any Bond which is payable, but is not punctually paid or duly provided for, on any interest payment date shall cease to be payable to the registered holder on the relevant regular record date solely by virtue of such holder having been such holder; and such defaulted interest may be paid by the City in any lawful manner, if, after notice given by the City to the Bond Registrar of the proposed payment pursuant to this paragraph, such payment shall be deemed practicable by the Bond Registrar. Such payments shall then be made to the persons in whose names the Bonds are registered at the close of business on a special record date established by the Bond Registrar. Subject to the foregoing provisions of this paragraph, each Bond delivered under this Resolution upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond and each such Bond shall bear interest from such date that neither gain nor loss in interest shall result from such transfer, exchange, or substitution.
- 3.06. Bonds Mutilated, Destroyed, Stolen, or Lost. In case any Bond shall become mutilated or be destroyed, stolen, or lost, the City shall execute and the Bond Registrar shall authenticate and deliver a new Bond of like maturity and principal amount as the Bond so mutilated, destroyed, stolen, or lost, in exchange and substitution for such mutilated Bond, upon surrender and cancellation of such mutilated Bond, or in lieu of and substitution for the Bond destroyed, stolen, or lost, upon filing with the City evidence satisfactory to the City and the Bond Registrar that such Bond has been destroyed, stolen, or lost and proof of ownership thereof, and upon furnishing the City and the Bond Registrar with indemnity satisfactory to them and complying with such other reasonable regulations as the City and the Bond Registrar may prescribe and paying such expenses as the City and the Bond Registrar may incur in connection therewith. All Bonds so surrendered to the Bond Registrar shall be cancelled by it and evidence of such cancellation shall be given to the City.
- 3.07. Owners. As to any Bond, the City, the Paying Agent, and the Bond Registrar, and their respective successors, each in its discretion, may deem and treat the person in whose name such Bond for the time being shall be registered as the absolute owner thereof for all purposes and neither the City, the Paying Agent, the Bond Registrar, nor their respective successors shall be affected by any notice to the contrary. Payment of or on account of the principal of any such Bond shall be made only to or upon the order of the registered owner thereof, but such registration may be changed as above provided. All such payments shall be

valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

- 3.08. <u>Use of Securities Depository; Book-Entry Only System</u>. The provisions of this Section 3.08 shall take precedence over the provisions of Sections 3.01, 3.02, and 3.04 through 3.07 hereof to the extent they are inconsistent with this Section 3.08.
- (a) The Finance Officer is authorized to designate The Depository Trust Company ("DTC") to act as securities depository for the Bonds, and to provide a Book-Entry Only System for registering the ownership interests of the financial institutions for which it holds the Bonds (the "DTC Participants"), and for distributing to such DTC Participants such amount of the principal and interest payments on the Bonds as they are entitled to receive, for redistribution to the beneficial owners of the Bonds as reflected in their records (the "Beneficial Owners").
- (b) Initially, and so long as DTC or another qualified entity continues to act as securities depository, the Bonds shall be issued in typewritten form, one for each maturity in a principal amount equal to the aggregate principal amount of each maturity, shall be registered in the name of the securities depository or its nominee, and shall be subject to the provisions of this Section. While DTC is acting as the securities depository, the Bonds shall be registered in the name of DTC's nominee, CEDE & CO; provided that upon delivery by DTC to the City and the Bond Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & CO., the words "CEDE & CO." in this Resolution shall refer to such new nominee of DTC.

With respect to Bonds registered in the name of DTC or its nominee, the City, the Paying Agent, and the Bond Registrar shall have no responsibility or obligation to any DTC Participant or other person with respect to the following: (i) the accuracy of the records of any securities depository or its nominee with respect to any ownership interest in the Bonds; (ii) the delivery to any DTC Participant or other person or any other person, other than DTC, of any notice with respect to the Bonds, including any notice of redemption; or (iii) the payment to any DTC Participant or any other person, other than DTC, of any amount with respect to the principal of, premium, if any, or interest on the Bonds. The Bond Registrar shall pay all principal of, premium, if any, and interest on the Bonds only to or upon the order of DTC, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal, premium, and interest on the Bonds to the extent of the sum or sums so paid. So long as the Book-Entry Only System described in this Section 3.08 is in effect, no person other than DTC (or its agents) shall receive an authenticated Bond.

(c) Upon receipt by the City and the Bond Registrar of written notice from DTC or any other securities depository to the effect that it is unable or unwilling to discharge its responsibilities under the Book-Entry Only System, the Bond Registrar shall issue, transfer, and exchange Bonds of the initial series as requested by the securities depository in appropriate amounts, and whenever the securities depository requests the City and the Bond Registrar to do so, the City and the Bond Registrar shall cooperate with the securities depository in taking appropriate action after reasonable notice: (i) to arrange for a substitute depository willing and able, upon reasonable and customary terms, to maintain custody of the Bonds; or (ii) to make available Bonds registered in whatever name or names the Beneficial Owners registering ownership, transferring, or exchanging such Bonds shall designate, in accordance with clause (f) or clause (g) below, whichever is applicable.

- (d) In the event the City determines that it is in the best interests of the Beneficial Owners that they be able to obtain printed Bonds, the City may so notify the securities depository and the Bond Registrar, whereupon the securities depository shall notify the Beneficial Owners of the availability through the securities depository of such printed Bonds. In such event, the City shall cause to be prepared and the Bond Registrar shall issue, transfer, and exchange printed Bonds, fully executed and authenticated, as requested by the securities depository in appropriate amounts and, whenever the securities depository requests, the City and the Bond Registrar shall cooperate with the securities depository in taking appropriate action after reasonable notice to make available printed Bonds registered on the Bond Register in whatever name or names the Beneficial Owners entitled to receive Bonds shall designate, in accordance with clause (f) or clause (g) below, whichever is applicable.
- (e) Notwithstanding any other provisions of this Resolution to the contrary, so long as any Bond is registered in the name of a securities depository or its nominee, all payments of principal, premium, and interest on the Bond and all notices with respect to the Bond shall be made and given, respectively, to the securities depository as provided in the representation letter given to it by the City. The Letter of Representations is confirmed and shall apply to the Bonds.
- (f) In the event that the Book-Entry Only System established pursuant to this Section 3.08 is discontinued, except as provided in clause (g), the Bonds shall be issued through the securities depository to the Beneficial Owners.
- (g) In the event of termination of the Book-Entry Only System, the City shall have the right to terminate, and shall take all steps necessary to terminate, all arrangements with the securities depository described herein, and thereafter shall issue, register ownership of, transfer, and exchange all Bonds as provided herein. Upon receipt by the securities depository of notice from the City, the securities depository shall take all actions necessary to assist the City and the Bond Registrar in terminating all arrangements for the issuance of documents evidencing ownership interests in the Bonds through the securities depository. Nothing herein shall affect the securities depository's rights under clause (e) above.

SECTION 4. SALE, EXECUTION, AND DELIVERY OF BONDS AND RELATED DOCUMENTS.

4.01. Method of Sale. Authority to negotiate the sale and issuance of the Bonds is hereby delegated to the Finance Officer under Section 475.60, subdivision 1, of the Municipal Debt Act, and each series of Bonds shall be sold at the prices determined by the Finance Officer acting in accordance with the requirements of the Municipal Debt Act, including Sections 475.56 and 475.60 thereof and, in such regard, the Finance Officer shall determine the amount of the Bonds authorized to be issued for purposes of the Municipal Debt Act. The Finance Officer is hereby authorized, in his discretion, to retain the services of one or more financial advisors to assist in the structuring, negotiation, sale, and issuance of the Bonds and to assist the Finance Officer with related matters. The Bonds shall bear interest at the rates specified by the purchaser or purchasers and approved by the Finance Officer. In connection with the sale of the Bonds, by one or more certificates or other written instruments or documents, the Finance Officer may make such additional covenants or directions as the Finance Officer may deem necessary, appropriate, and expedient, including but not limited to, approval of an Official Statement and of a Continuing Disclosure Certificate. Any original issue premium, unused discount, and unused issuance costs shall be applied to any one or more of the following purposes: (i) deposit in the Debt Service Account and apply to the payment of the principal of and interest on the Bonds;

- (ii) reduce the principal amount of the Bonds; or (iii) direct to such other purposes as determined to be appropriate by the Finance Officer.
- 4.02. Execution and Delivery. The Bonds shall be executed by the manual or facsimile signature of the Finance Officer and a facsimile of the corporate seal of the City shall be included as set forth in the form of Bond. The text of the approving legal opinion of Kennedy & Graven, Chartered, of Minneapolis, Minnesota, as bond counsel, may be printed on or accompany the delivery of each Bond. When the Bonds have been duly executed and authenticated by the Bond Registrar in accordance with this Resolution, the Bonds shall be delivered to the purchaser or purchasers in accordance with the terms of the sale upon payment of the purchase price, and the Finance Officer shall take such actions to provide for the application of the proceeds of the Bonds as are deemed appropriate by the Finance Officer. The purchasers of the Bonds shall not be bound to see to the authorized application of the purchase money. The Bonds shall not be valid for any purpose until authenticated by the Bond Registrar, which is hereby appointed authenticating agent in accordance with the provisions of the Municipal Debt Act.
- 4.03. Official Statement. The Finance Officer shall cause an Official Statement relating to the Bonds and any appropriate addendums to such Official Statement (collectively, the "Official Statement") to be prepared and delivered to such potential purchasers of the Bonds as the Finance Officer deems appropriate, and the use thereof by the purchaser or purchasers is approved.
- The Finance Officer is authorized and directed to furnish to the 4.04. Certificates. purchaser or purchasers of the Bonds at the closing, if the Finance Officer finds the same to be accurate: (i) a certificate that, to the knowledge of the Finance Officer, the Official Statement does not, at the date of closing, and did not, as of its date, contain any untrue statement of a material fact or omit to state any material fact necessary in order to make the statements made therein, in the light of the circumstances under which they were made, not misleading; and (ii) such other certificates as are required as a condition of sale, including a Continuing Disclosure Certificate setting forth the continuing disclosure obligations of the City under applicable law, as approved by the Finance Officer. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the City or incumbency of its officers, at the closing the Finance Officer shall also execute and deliver to the purchaser or purchasers of the Bonds a suitable certificate as to absence of material litigation, and the Finance Officer shall also execute and deliver a certificate as to payment for and delivery of the Bonds. The Finance Officer shall execute and deliver a signed approving legal opinion of Kennedy & Graven, Chartered, as to the validity and enforceability of the Bonds under present laws and rulings.

SECTION 5. APPLICATION OF PROCEEDS OF BONDS.

5.01. Application of Proceeds of the Bonds. The proceeds of the Bonds (including any original issue premium) shall be applied by the Finance Officer to the following purposes: (i) the permanent financing of all or a portion of the costs of the Calhoun Place Housing Improvements and, in that regard, the payment of all or a portion of the Western Bank Loan that provided construction financing of the Calhoun Place Housing Improvements; (ii) the payment of capitalized interest on the Bonds for a period deemed necessary or appropriate by the Finance Officer; (iii) the funding of a debt service reserve in an amount deemed necessary or appropriate by the Finance Officer to secure the timely payment of the Bonds; (iv) the payment of all or a portion of the costs of issuing the Bonds; and (v) the payment all or a portion of a City processing fee with respect to the Calhoun Place HIA.

5.02. Appropriation of Funds. The proceeds of the Bonds are hereby appropriated as follows: (i) any accrued interest shall be deposited in the Debt Service Account (as hereinafter defined); (ii) to the extent that the Finance Officer determines to make such deposits, the original issue premium, unused discount, and unused costs of issuance shall be deposited in the Debt Service Account; (iii) an amount, if any, determined by the Finance Officer to pay interest on the Bonds shall be set aside and applied to such purpose; (iv) an amount, if any, determined by the Finance Officer to fund a debt service reserve shall be set aside in the Debt Service Account for such purpose; (v) an amount sufficient to pay the Western Bank Loan shall be applied to such purpose; and (vi) an amount, if any, determined by the Finance Officer to pay the costs of issuing the Bonds shall be set aside and applied to such purpose. Any remaining proceeds of the Bonds shall be applied to purposes of the City as determined and designated by the Finance Officer.

SECTION 6. COVENANTS OF THE CITY.

- 6.01. Debt Service Account. Upon the issuance of the Bonds, the Finance Officer shall establish a separate Debt Service Account for payment of principal of, premium, if any, and interest on the Bonds. Subject to the qualifications set forth herein, the City hereby pledges to the payment of the principal of, premium, if any, and interest on the Bonds the following revenues (collectively, the "Revenues"): (i) proceeds derived from the sale of the Bonds that are deposited in the Debt Service Account in accordance with the terms of Section 5 of this Resolution; (ii) Calhoun Place Housing Improvement Fees imposed under the terms of the Calhoun Place HIA Resolution and interest on Calhoun Place Housing Improvement Fees not timely paid when due; (iii) prepayments of Calhoun Place Housing Improvement Fees to the extent authorized by the Finance Officer to be paid by any owner of a housing unit in Calhoun Place after March 29, 2013, in accordance with the terms of the Calhoun Place HIA Resolution, and which are paid by an owner or owners of housing units in Calhoun Place; and (iv) revenues derived from a guaranty by the Association pursuant to which the Association will agree to pledge its assets to cover any delinquent Calhoun Place Housing Improvement Fees; and (v) earnings derived from the investment of the foregoing. The foregoing pledge of the Revenues to the Bonds is qualified by any pledge to any other obligations of the City which may be made on a senior, subordinate, or parity basis and the deposit of such Revenues to the Debt Service Account for the Bonds shall be made only to the extent such Revenues are available for such purposes. The City may pledge or apply the Revenues to existing or future obligations of the City on a senior, subordinate, or parity basis with the Bonds and may apply the Revenues to other purposes of the City on a senior, subordinate, or parity basis with the Bonds. Notwithstanding the foregoing, the Finance Officer shall apply the sources of Revenues to the debt service requirements on the Bonds in such amounts and at such times as the Finance Officer determines to be in the best interests of the City.
- 6.02. Pledge of Full Faith and Credit; Tax Levies. The full faith and credit of the City are irrevocably pledged for the prompt and full payment of the Bonds and the interest thereon, when due. It is hereby estimated that the Revenues and other revenues to be applied to the payment of the Bonds under Section 6.01 will produce at least ten percent (10%) in excess of the amount needed to meet when due the principal and interest payments on the Bonds, but the City shall levy, in addition to all other taxes, a direct tax on all taxable property in the City, without limitation as to rate or amount, if necessary to pay such principal and interest when due. Without limiting the foregoing, the City shall levy taxes in each year to the extent estimated collections of Revenues and other revenues to be applied to the payment of the Bonds in the following year, together with available amounts on deposit in the Debt Service Account and

other dedicated funds, are insufficient to pay the principal of and interest on the Bonds in such subsequent year and at least five percent (5%) in excess thereof.

SECTION 7. MISCELLANEOUS MATTERS RELATING TO BONDS.

- 7.01. Imposition and Collection of Calhoun Place Housing Improvement Fees. The Calhoun Place Housing Improvement Fees shall be imposed and collected at the same time and in the same manner as provided for imposition, payment, and collection of ad valorem taxes, in accordance with Section 428A.15 of the Housing Improvement Areas Act and Minnesota Statutes, Section 428.05, as amended. As provided in Section 428A.14, subdivision 2, of the Housing Improvement Areas Act, the Calhoun Place Housing Improvement Fees are not included in the calculation of levies or limits on levies imposed under Minnesota law or the Charter of the City. The Finance Officer shall take all actions deemed necessary or appropriate by the Finance Officer to ensure compliance with the terms of this Section 7.01.
- 7.02. <u>Registration</u>. The Finance Officer is hereby authorized and directed to obtain a certified copy of this Resolution and to cause the same to be filed with the Director of the Taxpayer Services Department of Hennepin County, exercising the powers of the County Auditor under Section 475.63 of the Municipal Debt Act, and to obtain a certificate as to registration of the Bonds.
- 7.03. <u>Certification</u>. The City Clerk, the Finance Officer, and other officers and employees of the City are hereby authorized and directed to furnish to the attorneys approving the Bonds, on behalf of the purchaser or purchasers of the Bonds, certified copies of all proceedings and certifications as to facts as shown by the books and records of the City, to show the proceedings taken in connection with the Bonds, and the right and authority of the City to issue the Bonds, and all such certified copies and certifications shall be deemed representations of fact on the part of the City.

SECTION 8. MISCELLANEOUS MATTERS RELATING TO BONDS.

- 8.01. <u>Enforceability of Bonds</u>. All agreements, covenants, and obligations of the City contained in this Resolution and in the above-referenced documents shall be deemed to be the agreements, covenants, and obligations of the City to the full extent authorized or permitted by law, and all such agreements, covenants, and obligations shall be binding on the City and enforceable in accordance with their terms. No agreement, covenant, or obligation contained in this Resolution or in the above-referenced documents shall be deemed to be an agreement, covenant, or obligation of any member of the Council, or of any officer, employee, or agent of the City in that person's individual capacity. Neither the members of the Council nor any officer executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance of the Bonds.
- 8.02. <u>Rights Conferred</u>. Nothing in this Resolution or in the above-referenced documents is intended or shall be constructed to confer upon any person (other than as provided in the Bonds and the other agreements, instruments, and documents hereby approved) any right, remedy, or claim, legal or equitable, under and by reason of this Resolution or any provision of this Resolution.
- 8.03. <u>Persons Authorized to Execute Documents</u>. If for any reason the Finance Officer or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall for any reason cease to be

an officer, employee, or agent of the City after the execution by such person of any certificate, instrument, or other written document, such fact shall not affect the validity or enforceability of such certificate, instrument, or other written document. If, for any reason, the Finance Officer or any other officers, employees, or agents of the City authorized to execute certificates, instruments, or other written documents on behalf of the City shall be unavailable to execute such certificates, instruments, or other written documents for any reason, such certificates, instruments, or other written documents may be executed by an assistant to such officer, by a person acting on behalf of such officer, or by such other officer of the City as in the opinion of the City Attorney is authorized to sign such document.

- 8.04. Amendments. The authority to approve, execute, and deliver future amendments to the documents executed and delivered by the City in connection with the transactions contemplated by this Resolution is hereby delegated to the Finance Officer, subject to the following conditions: (a) such amendments do not require the consent of the holders of the Bonds or, if required, such consent has been obtained; (b) such amendments do not materially adversely affect the interests of the City as the issuer of the Bonds; (c) such amendments do not contravene or violate any policy of the City; (d) such amendments are acceptable in form and substance to the City Attorney, bond counsel, or other counsel retained by the City to review such amendments; and (e) such amendments do not materially prejudice the interests of the owners of the Bonds. The authorization hereby given shall be further construed as authorization for the execution and delivery of such certificates and related items as may be required to demonstrate compliance with the agreements being amended and the terms of this Resolution. The execution of any instrument by the Finance Officer shall be conclusive evidence of the approval of such instruments in accordance with the terms hereof. In the absence of the Finance Officer, any instrument authorized by this paragraph to be executed and delivered by the Finance Officer may be executed by such other officer of the City as in the opinion of the City Attorney is authorized to execute and deliver such document.
- 8.05. Effective Date. This Resolution shall be effective sixty (60) days after the date of adoption and publication hereof; provided that this Resolution shall not be effective in the event that either the Calhoun Place HIA Ordinance or the Calhoun Place HIA Resolution does not become effective as a result of objections filed by the requisite percentage of owners of housing units in Calhoun Place in accordance with the provisions of Section 428A.18 of the Housing Improvement Areas Act. Pursuant to Chapter 4, Section 9, of the Charter of the City, only the title of this resolution and a summary of this resolution conforming to Minnesota Statutes, Section 331A.01, subdivision 10, shall be published in the official paper of the City.

Adopted.

Approved by Mayor Rybak 2/8/2013.

EXHIBIT A

FORM OF BOND

UNITED STATES OF AMERICA STATE OF MINNESOTA COUNTY OF HENNEPIN

No. R-	r
INO. INC.)

CITY OF MINNEAPOLIS TAXABLE GENERAL OBLIGATION HOUSING IMPROVEMENT AREA BOND SERIES (CALHOUN PLACE CONDOMINIUMS) Date of Interest Rate Maturity Original Issue CUSIP Registered Owner: _____ Principal Amount: ____ DOLLARS The City of Minneapolis (the "City"), in the County of Hennepin and State of Minnesota, for value received, hereby certifies that it is indebted and hereby promises to pay to the registered owner named above or registered assigns, the principal amount specified above on the maturity date specified above, upon the presentation and surrender hereof, and to pay to the registered owner hereof interest on such principal sum at the interest rate specified above from ____, or the most recent interest payment date to which interest has been paid or duly provided for as specified below, on _____ 1 and ____ 1 of each year, , until said principal sum is paid. Interest shall be computed on the commencing basis of a 360-day year consisting of twelve (12) thirty-day months. Principal and the redemption price are payable in lawful money of the United States of America at the office of the Finance Officer in Minneapolis, Minnesota, as Bond Registrar and Paying Agent, or at the office of such successor agents as the City may designate upon sixty (60) days notice to the respective registered owners at their registered addresses. At the written request of the registered owner thereof, payment of at least \$_____ in principal amount of Bonds of this series shall be made by wire transfer of immediately available funds to any bank in the continental United States upon presentation and surrender thereof. Interest shall be paid on each interest payment date by check or draft mailed to the person in whose name this Bond is registered at the close of business on the fifteenth day of the month preceding each interest payment date (whether or not a business day) at the registered owner's address set forth on the registration books maintained by the Bond Registrar or, at the written request of a registered owner of at least \$1,000,000 in aggregate principal amount of the Bonds of this series, by wire transfer of immediately available funds to any bank in the continental United States. Any such interest not punctually paid or provided for will cease to be payable to the person in whose name this Bond is registered on such regular record dates and such defaulted interest may be paid to the person in whose name this Bond shall be registered at the close of business on a special record date for the payment of such defaulted interest established by the Bond Registrar. This Bond is one of a series of Bonds all of like date and tenor except for number, interest rate, denomination, date of maturity, and redemption privilege, and is issued pursuant to a resolution adopted by the City Council of the City on _______, 2013 (the "Resolution"), for the purpose of providing permanent financing for a portion or all of the costs of housing

improvements undertaken with respect to Calhoun Place, a 107-unit multifamily housing development located at 3131 Excelsior Boulevard in the City, pursuant to and in full conformity with the home rule charter of the City and the Constitution and laws of the State of Minnesota,

including Minnesota Statutes, Sections 428A.11-428A.21, as amended, and Minnesota Statutes, Chapter 475, as amended (collectively, the "Act").

Subject to the qualifications set forth herein, the City pledged to the payment of the principal of, premium, if any, and interest on the Bonds the following revenues (collectively, the "Revenues"): (i) proceeds derived from the sale of the Bonds that are deposited in the Debt Service Account in accordance with the terms of Section 5 of the Resolution; (ii) Calhoun Place Housing Improvement Fees (as defined in the Resolution) imposed under the terms of the Calhoun Place HIA Resolution (as defined in the Resolution) and interest on Calhoun Place Housing Improvement Fees not timely paid when due; (iii) prepayments of Calhoun Place Housing Improvement Fees to the extent authorized by the Finance Officer to be paid by any owner of a housing unit in Calhoun Place after March 29, 2013, in accordance with the terms of the Calhoun Place HIA Resolution, and which are paid by an owner or owners of housing units in Calhoun Place; and (iv) revenues derived from a guaranty by the Association (as defined in the Resolution) pursuant to which the Association will agree to pledge its assets to cover any delinquent Calhoun Place Housing Improvement Fees; and (v) earnings derived from the investment of the foregoing. The pledge of the Revenues to the Bonds is qualified by any pledge to any other obligations of the City which may be made on a senior, subordinate, or parity basis and the deposit of such Revenues to the debt service account for the Bonds will be made only to the extent such Revenues are available for such purposes. The City may pledge or apply the Revenues to existing or future obligations of the City on a senior, subordinate, or parity basis with the Bonds and may apply the Revenues to other purposes of the City on a senior, subordinate, or parity basis with the Bonds. Notwithstanding the foregoing, the Finance Officer shall apply the sources of Revenues to the debt service requirements on the Bonds in such amounts and at such times as the Finance Officer determines to be in the best interests of the City.

The full faith and credit of the City has been and is hereby pledged to the full and prompt payment of the principal of and interest on the Bonds and the City Council is obligated to levy ad valorem taxes on all taxable property in the City, without limitation as to rate or amount, if necessary to pay the principal of and interest on the Bonds when due.

Reference is hereby made to the Act and to the Resolution for a description of the Revenues and any other revenues that are expected to pay the debt service on the Bonds of this series. Reference is hereby made to the Act and to the Resolution for a description of the nature of the security thereby created, the rights and limitation of the rights of the City and bondholders with respect thereto, and covenants of the City as to the application of the proceeds of the Bonds of this series and the security for the Bonds and interest thereon.

All Bonds maturing on or after _	, are subject to redemption at the option of
the City, in whole or in part in such	order as the City may determine, on, and
any date thereafter at a redemption	n price equal to par plus accrued interest to the redemption
date [plus the redemption premium	set forth in the following table].
[Redemption Premium Table, if app	·licable]
	demption will be given by mail to registered owners in the
manner provided by applicable prov	isions of the Act.
	, are subject to mandatory sinking fund
redemption on of the	e following years in the following principal amounts:

[Mandatory Sinking Fund Redemption Schedule, if applicable]
The Bonds maturing on are hereinafter referred to collectively as the "Term Bonds." The principal amounts of the Term Bonds subject to mandatory sinking fund redemption on any date may be reduced through earlier optional redemptions, with any partial redemptions of the Term Bonds credited against future mandatory sinking fund redemptions of such Term Bonds in such order as the City shall determine.]
This Bond is transferable, as provided in the Resolution, only upon books of the City kept at the office of the Bond Registrar by the registered owner hereof in person or by the registered owner's duly authorized attorney, upon surrender of this Bond for transfer at the office of the Bond Registrar, duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Bond Registrar duly executed by, the registered owner hereof or the registered owner's duly authorized attorney, and, upon payment of any tax, fee, or other governmental charge required to be paid with respect to such transfer, one or more fully registered Bonds of the series of the same principal amount, maturity, and interest rate will be issued to the designated transferee or transferees.
The Bonds of this series are issued only as fully registered bonds without coupons in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount maturing in any one year. As provided in the Resolution and subject to certain limitations therein set forth, the Bonds of this series are exchangeable for a like aggregate principal amount of Bonds of this series of different authorized denominations, as requested by the registered owner or the registered owner's duly authorized attorney, upon surrender thereof to the Bond Registrar.
It is hereby certified, recited, and declared that all acts, conditions, and things required to exist, happen, and be performed precedent to and in the issuance of this Bond do exist, have happened, and have been performed in regular and due time, form, and manner as required by law; and that this Bond, and the series of which it is a part, is within every applicable debt and other limit prescribed by the Constitution and laws of the State of Minnesota and the Charter of the City.
This Bond shall not be valid or become obligatory for any purpose until the Registration and Authentication Certificate hereon shall have been signed by the Bond Registrar.
In witness whereof, the City, acting by and through its City Council, has caused this Bond to be executed with the manual or facsimile signature of its Finance Officer and a facsimile of the corporate seal of said City to be imprinted hereon, all as of the Date of Original Issue specified above.
Dated:
CITY OF MINNEAPOLIS
(SEAL)

By	
Finance Officer	
Bond Registrar's Registration and Authenticat	ion Certificate
	the within mentioned Resolution and has been ame of the Registered Owner identified above on f the City of Minneapolis.
Finance Officer, as Bond Registrar	
(The remainder of this page is intentionally left	blank.)
ASSIGNMENT	
FOR VALUE RECEIVED, the undersigned	I hereby sells, assigns and transfers unto
	and hereby irrevocably constitutes and appoints y to transfer the within Bond on the books kept for
Dated:	ion in the premises.
Please Insert Social Security Number or Other Identifying Number of Assignee.	Notice: The signature to this assignment must correspond with the name as it appears on the
Curior radinarying realistics of Accordance.	face of this Bond in every particular, without alteration or any change whatever.
Signature Guaranteed:	
Signatures must be guaranteed by a national which is a member of a major stock exchange	al bank or trust company, or by a brokerage firm

Resolution 2013R-035, approving a Housing Improvement Fee for Calhoun Place Housing Improvement Area, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-035By Goodman and Hodges

Approving a Housing Improvement Fee for Calhoun Place Housing Improvement Area.

Whereas, the City of Minneapolis ("City") is authorized under Minnesota Statutes, Section 428A.11 to 428A.21 (the "Housing Improvement Act") to establish by ordinance a housing improvement area within which housing improvements are made or constructed and the costs of the improvements are paid in whole or in part from fees imposed within the area; and

Whereas, by Ordinance No. 2013-Or-006 adopted concurrently with this Resolution (the "Enabling Ordinance"), the Council established the Calhoun Place Housing Improvement Area (the "Housing Improvement Area") in order to facilitate certain improvements to property known as the "Calhoun Place Condominiums," all in accordance with the Housing Improvement Act; and

Whereas, in accordance with Section 428A.12 of the Housing Improvement Act and the City's housing assistance policy, owners of at least 75 percent of the housing units within the Housing Improvement Area have filed a petition with the City Clerk requesting a public hearing regarding imposition of a housing improvement fee for the Housing Improvement Area; and

Whereas, the Council has on January 29, 2013, conducted a public hearing, duly noticed in accordance with the Housing Improvement Act, regarding adoption of this Resolution at which all persons, including owners of property within the Housing Improvement Area, were given an opportunity to be heard; and

Whereas, prior to the date hereof, Calhoun Place Condominium Association (the "Association") has submitted to the City a financial plan prepared by an independent third party, acceptable to the City and the Association, that provides for the Association to finance maintenance and operation of the common elements in the Housing Improvement Area and a long-range plan to conduct and finance capital improvements therein, all in accordance with Section 428A.14 of the Housing Improvement Act; and

Whereas, for the purposes of this Resolution, the terms "Housing Improvement Area" and "Housing Improvements" have the meanings provided in the Enabling Ordinance;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

Section 1. Housing Improvement Fee Imposed.

1.01. The City hereby imposes a fee on each housing unit within the Housing Improvement Area (the "Housing Improvement Fee") in an amount not to exceed the maximum annual amount shown in Exhibit A hereto. The Housing Improvement Fee is imposed on the basis of each unit's share of common expenses as defined in the Calhoun Place Condominium Declaration pursuant to the provisions of Minnesota Statutes Chapter 515B, known as the Minnesota Common Interest Ownership Act (the "Declaration"). The Council specifically finds that such allocation is more fair and reasonable than a fee based upon the tax capacity or square footage of each housing unit because the Association and unit owners themselves have

determined that the percentage share for each unit set forth in the Declaration is an equitable means of allocating common costs such as the Housing Improvements.

- 1.02. The owner of any housing unit against which a Housing Improvement Fee is to be imposed may, at any time prior to March 29, 2013, pay to the Association all of the Allocated Housing Improvement Costs imposed against such housing unit as shown on the attached Exhibit A. It is currently anticipated that any further prepayments will not be permitted. However, the City's Finance Officer may permit prepayments under terms and conditions determined by the Finance Officer in his sole discretion.
- 1.03. If not prepaid in accordance with Section 1.02 hereof, the allocated Housing Improvement Fee (which includes the allocated Housing Improvement Costs as well as the allocated financing costs, including interest, capitalized interest, debt service reserve, costs of issuance and city processing fee) shall be payable in equal annual installments over either 19 years (beginning in calendar year 2014) or 18 years (beginning in calendar year 2015). The number of annual payments will depend on the date the City closes on its bond financing to take out the Association's construction loan and when the resulting fee information is submitted to Hennepin County for filing. If the fee information is filed on or before November 30, 2013, then there will be 19 annual installments. If the fee information is filed after November 30, 2013, then there will be 18 annual installments.

After the closing date on the City bonds, the City will calculate the Annual Housing Improvement Fee for each housing unit that has not prepaid in accordance with Section 1.02 hereof. This annual fee will include both a principal and interest component. Interest will be calculated based on an imputed interest rate that will be computed by the City after issuance of the City bonds. This imputed interest rate will take into account the true interest rate of the City bonds as well as bond-related costs and annual debt service coverage. The maximum Annual Housing Improvement Fee for each unit is shown on Exhibit A.

1.04. The Housing Improvement Fee, unless prepaid in accordance with Section 1.02 hereof, shall be payable at the same time and in the same manner as provided for payment and collection of ad valorem taxes, as provided in Sections 428A.14 and 428A.15 of the Housing Improvement Act.

Section 2. Notice of Right to File Objections.

2.01. Within five days after the adoption of this Resolution, the Department of Finance and Property Services is authorized and directed to mail to the owner of each housing unit in the Housing Improvement Area a summary of this Resolution; notice that owners subject to the Housing Improvement Fee have a right to veto this Resolution if owners of at least 45 percent of the housing units within the Housing Improvement Area file an objection with the City Clerk before the effective date of this Resolution; and notice that a copy of this Resolution is on file with the City Clerk for public inspection.

Section 3. Effective Date.

3.01. This Resolution shall be effective 60 days after adoption and publication hereof, subject to (a) the veto rights of housing unit owners under Section 428A.18 of the Housing Improvement Act; and (b) execution in full of a financing agreement between the City and the Association providing for financing construction of the Housing Improvements. Pursuant to Chapter 4, Section 9, of the Charter of the City, only the title of this Resolution and summary of

this Resolution conforming to Minnesota Statutes, Section 331A.01, subdivision 10, shall be published in the official paper of the City.

Section 4. Filing of Housing Improvement Fee.

4.01. After the effective date of this Resolution, but by no later than November 30, 2014, the Department of Finance and Property Services shall file a certified copy of this Resolution with the Hennepin County Auditor to be recorded on the property tax lists of the county.

Adopted.

Approved by Mayor Rybak 2/8/2013.

Comm Dev & W&M/Budget - Your Committee recommends approval of the 2013 Preliminary Planning Fund Allocations as set forth in the Department of Community Planning & Economic Development staff report.

Adopted.

Comm Dev & W&M/Budget - Your Committee recommends that the proper City officers be authorized to allocate \$40,000 to the African Development Center to service the outstanding portfolio of City Partnership loans and to execute contract documents consistent with this request.

Adopted.

Comm Dev & W&M/Budget - Your Committee recommends that the proper City officers be authorized to take certain actions throughout 2013 in order to utilize tax-exempt revenue bond financing various City industrial/manufacturing projects.

Adopted.

The PUBLIC SAFETY, CIVIL RIGHTS & HEALTH Committee submitted the following reports:

PSC&H - Your Committee recommends approval of the following joint Mayoral/Council President reappointments and new appointments to the Minneapolis Senior Citizen Advisory Committee, for two-year terms expiring 12/31/2014, unless otherwise noted:

Reappointments:

Roland Minda (member at large)

Georgia Marinkov-Omorean (organizational representative)

New Appointments:

Jay Ludke (organizational representative), filling unexpired term of Jean Hanson which expires 12/31/2013

Lola Panschar (organizational representative), filling vacant term formerly held by Gary VanWinkle

Margie Curtis (organizational representative), filling vacant term formerly held by Kenneth

Ellen Wolfson (member at large), replacing Elana Gravitz Adopted.

PSC&H - Your Committee recommends confirmation of the Mayoral appointment of Tracine Asberry as the Minneapolis Public Schools representative to the Minneapolis Youth Violence Prevention Executive Committee, for a two-year term expiring 12/31/2014, replacing Lydia Lee. Adopted.

The PUBILC SAFETY, CIVIL RIGHTS & HEALTH and WAYS & MEANS/BUDGET Committees submitted the following reports:

PSC&H & W&M/Budget - Your Committee recommends acceptance of the low responsive bid submitted to the Departments of Fire and Procurement on OP No. 7727 from Innotex, Inc for an estimated annual expenditure of \$160,000 to furnish and deliver fire fighter turnout clothing to the Minneapolis Fire Department, as specifically set forth in the staff report.

Adopted.

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept \$16,726 in grant funding from the Minnesota Department of Public Safety-Office of Justice Programs and to execute a contract with them for the Coverdell Forensic Science Improvement Program. Further, passage of the accompanying resolution appropriating said funds to the Police Department.

Adopted.

RESOLUTION 2013R-036 By Samuels and Hodges

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants-Federal Fund (01300-4003300) by \$16,726 and increasing the revenue source (01300-4003300-321010) by \$16,726. Adopted.

PSC&H & W&M/Budget - Your Committee recommends passage of the accompanying resolution accepting in-kind donations of dog and cat food and supplies. Adopted.

Resolution 2013R-037, approving donations of dog and cat food and treats, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-037 By Samuels and Hodges

Approving donations of dog and cat food and treats.

Whereas, the City of Minneapolis is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts and bequests for the benefit of recreational services pursuant to Minnesota Statutes Section 471.17; and

Whereas, the following persons and entities have offered to contribute the gifts set forth below to the City:

Maia Rumplo - Kaytee bird food, 4 packages Kong Stuffin'

Annie Krapek - 2 packages Canyon Creek Ranch rawhides Wendy Plot - 5 fleece dog jackets Beth Kelly - cat food, dog and cat treats Judith Myers - 10 packages of dog treats, 1 bag IAMS dog food (3.5 lb) Sue Herkenhoff - 15 dog coats; and

Whereas, all such donations have been contributed to assist the city in providing Animal Care and meeting our goals of Responsible Pet Ownership, as allowed by law; and

Whereas, the City Council finds that it is appropriate to accept the donations offered;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the donations described above are accepted and shall be used for the animals cared for at Minneapolis Animal Care and Control.

Adopted.

PSC&H & W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept \$2,074,667 in grant funding from the Minnesota Department of Health and to execute a contract with them for home visiting services for women and young children. Further, passage of the accompanying resolution appropriating said funds to the Minneapolis Health Department.

Adopted.

RESOLUTION 2013R-038 By Samuels and Hodges

Amending the 2013 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Health Department Agency in the Grants-Federal Fund (01300-8600151) by \$2,074,667 and increasing the revenue source (01300-8600151-321007) by \$2,074,667. Adopted.

The REGULATORY, ENERGY & ENVIRONMENT Committee submitted the following reports:

RE&E - Your Committee, having under consideration an ordinance amending Title 3, Chapter 47 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Air Pollution*, amending the chapter title and adding a new section providing for commercial building energy rating and disclosure, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted.

Ordinance 2013-Or-007 amending Title 3, Chapter 47 of the Minneapolis Code of Ordinances relating to *Air Pollution and Environmental Protection: Air Pollution*, to amend the chapter title and add a new section providing for commercial building energy rating and disclosure, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-007
By Glidden
Intro & 1st Reading: 11/16/2012
Ref to: RE&E
2nd Reading: 2/8/2013

Amending Title 3, Chapter 47 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Air Pollution.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the title of Chapter 47 of the Minneapolis Code of Ordinances be amended to read as follows:

CHAPTER 47. ENERGY AND AIR POLLUTION

Section 2. That Chapter 47 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 47.190 to read as follows:

47.190. Commercial building rating and disclosure. (a) Definitions. The following words shall have the meaning ascribed to them, unless the context clearly indicates a different meaning:

<u>Benchmark means to input the total energy consumed for a building and other descriptive</u> information for such building as required by the benchmarking tool.

<u>Benchmarking information</u> means information related to a building's energy consumption as generated by the benchmarking tool, and descriptive information about the physical building and its operational characteristics. The information shall include, but need not be limited to:

- (1) Building address;
- (2) Energy use intensity (EUI);
- (3) Annual greenhouse gas emissions;
- (4) Water use; and
- (5) The energy performance score that compares the energy use of the building to that of similar buildings, where available.

<u>Benchmarking tool means the United States Environmental Protection Agency's Energy Star</u> <u>Portfolio Manager tool, or an equivalent tool adopted by the director.</u>

<u>Building owner means an individual or entity possessing title to a building, or an agent</u> authorized to act on behalf of the building owner.

<u>City-owned building means any building, or group of buildings on the same tax lot, owned by the City of Minneapolis containing 25,000 or more gross square feet of an occupancy use other than residential or industrial.</u>

Covered building means:

- (1) Any building containing at least 50,000 but less than 100,000 gross square feet of an occupancy use other than residential or industrial shall be classified as a Class 1 covered building;
- (2) Any building containing 100,000 or more gross square feet of an occupancy use other than residential or industrial shall be classified as a Class 2 covered building.

The term "covered building" shall not include any building owned by the local, county, state, or federal government or other recognized political subdivision.

<u>Director</u> means the head of the department to which the environmental services division of the city reports or the director's designee.

Energy means electricity, natural gas, steam, heating oil, or other product sold by a utility for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities.

<u>Energy performance score</u> means the numeric rating generated by the Energy Star Portfolio Manager tool or equivalent tool adopted by the director that compares the energy usage of the building to that of similar buildings.

<u>Energy Star Portfolio Manager means the tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative energy performance of buildings nationwide.</u>

<u>Tenant means a person or entity occupying or holding possession of a building or premises pursuant to a rental agreement.</u>

<u>Utility means an entity that distributes and sells natural gas, electric, or thermal energy services for buildings.</u>

- (b) Benchmarking required for city-owned buildings. No later than June first, 2013, and no later than every June first thereafter, each city-owned building shall be benchmarked for the previous calendar year by the entity primarily responsible for the management of such building, in coordination with the director.
- (c) Benchmarking required for covered buildings. Building owners shall annually benchmark for the previous calendar year each covered building and obtain an energy performance score as available according to the following schedule:

- (1) All Class 2 covered buildings by June first, 2014 and by every June first thereafter; and
- (2) All Class 1 covered buildings by June first, 2015 and by every June first thereafter.
- (d) Disclosure and publication of benchmarking information. The building owner shall annually provide benchmarking information to the director, in such form as established by the director's rule, by the date provided by the schedule in subsections (b) and (c).
 - (1) The director shall make readily available to the public, and update at least annually, benchmarking information for the previous calendar year according to the following schedule:
 - a. Each city-owned building by August thirtieth, 2013 and by every August thirtieth thereafter;
 - b. Each Class 2 covered building by August thirtieth, 2015 and by every August thirtieth thereafter;
 - c. Each Class 1 covered building by August thirtieth, 2016 and by every August thirtieth thereafter.
 - (2) The director shall make available to the public, and update at least annually, the following information:
 - a. Summary statistics on energy consumption in city-owned buildings and covered buildings derived from aggregation of benchmarking information for those buildings;
 - b. Summary statistics on overall compliance with this section:
 - c. For each city-owned building and covered building:
 - 1. The status of compliance with the requirements of this chapter;
 - Annual summary statistics for the building, including energy use intensity, annual greenhouse gas emissions, water use per gross square foot, and an energy performance score where available; and
 - 3. A comparison of benchmarking information across calendar years for any years such building was benchmarked.
- (e) Exemptions. The director may exempt a building owner from the benchmarking requirements of subsection (c) if the building owner submits documentation establishing any of the following:
 - (1) The building is presently experiencing qualifying financial distress in that the building is the subject of a qualified tax lien sale or public auction due to property tax arrearages, the building is controlled by a court-appointed receiver based on

- financial distress, the building is owned by a financial institution through default by the borrower, the building has been acquired by a deed in lieu of foreclosure, or the building has a senior mortgage which is subject to a notice of default; or
- (2) The building or areas of the building subject to the requirements of this section have been less than fifty (50) percent occupied during the calendar year for which benchmarking is required; or
- (3) The building is new construction and the certificate of occupancy was issued less than two (2) years prior to the applicable benchmarking deadline established pursuant to subsection (c).
- (f) Providing benchmarking information to the building owner. Each tenant located in a covered building subject to this chapter shall, within 30 days of a request by the building owner and in a form to be determined by the director, provide all information that cannot otherwise be acquired by the building owner and that is needed by the building owner to comply with the requirements of this section. Where the building owner is unable to benchmark due to the failure of any or all tenants to report the information required by this subsection, the owner shall complete benchmarking using such alternate values as established by the director. The director shall periodically evaluate the quality of any alternate values established pursuant to this subsection and propose revisions that increase the quality of such values.
- (g) Violations. It shall be unlawful for any entity or person to fail to comply with the requirements of this section or to misrepresent any material fact in a document required to be prepared or disclosed by this section.
- (h) Enforcement. The director and authorized representatives and designees shall enforce the provisions of this section. If it is determined that a building owner or any person subject to the provisions of this section fails to meet any requirement of this section, the director or the director's designee shall mail a warning notice to the building owner or person. The notice shall specify the reasons why the building owner or person fails to meet the requirements set forth in this section. The notice shall indicate that the person has forty-five (45) business days to comply with the applicable requirement. Any building owner or person who fails, omits, neglects, or refuses to comply with the provisions of this section after the period of compliance provided for in the required warning notice shall be subject to an administrative penalty pursuant to Chapter 2 and the schedule of civil fines adopted by the city council. The provisions of Chapter 2 shall govern the appeal and hearing rights afforded to any such person. Additionally, failure to comply with this section may constitute good cause for the denial, suspension, revocation or refusal to issue the certificate of commercial building registration provided for pursuant to Chapter 174. Article IV of this Code or any applicable business license held by the building owner or person. This section may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.
- (i) Rules. The director shall promulgate and publish such rules as deemed necessary to carry out the provisions of this section.
- (j) Severability. If any portion of this section is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the regulations, and such determination shall not affect the validity of the remainder of the section. If the application of any provision of this section to a particular person or property is determined to be

invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other person or property.

Adopted.

RE&E - Your Committee, having under consideration an ordinance amending Title 13 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations*, adding a new Chapter 306 entitled *Commercial Pedal Car*, regulating the commercial pedal car businesses in Minneapolis, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted.

Ordinance 2013-Or-008 amending Title 13 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations*, adding a new Chapter 306 entitled *Commercial Pedal Car*, regulating the commercial pedal car businesses in Minneapolis, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-008
By Hofstede
Intro & 1st Reading: 6/29/2012
Ref to: RE&E
2nd Reading: 2/8/2013

Amending Title 13 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations, by adding a new Chapter 306 relating to Commercial Pedal Car.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 306 to read as follows:

CHAPTER 306. COMMERCIAL PEDAL CAR

306.10. Definitions. As used in this chapter, the following terms shall mean:

Commercial pedal car: A pedal car is a non-motorized four (4) or more wheeled bicycle-like vehicle that is human powered that transports passengers on bicycle-like seats and is propelled by five or more passengers not including the operator. A pedal car may have a maximum length of twenty (20) feet, a maximum width of eight (8) feet six (6) inches and a maximum height of twelve (12) feet. A pedal car may not be power assisted.

<u>Commercial pedal car business:</u> The business of operating one (1) or more commercial pedal car vehicle(s) for profit or not-for-profit.

<u>Commercial pedal car driver:</u> Any person who is responsible for the safe operation of a commercial pedal car, including but not limited to the steering and braking and maintaining compliance with all state and local traffic regulations.

Commercial pedal car driver license: A license granted in accordance with this chapter.

- Street: Any street or roadway under the jurisdiction of the city.
- <u>Vehicle</u> means every device in, upon, or by which any person is or may be transported or drawn upon a highway or street.
- <u>306.20. License required.</u> (a) No person shall engage in the activity of operating of a commercial pedal car business without a license as required under this chapter.
- (b) No person shall operate a commercial pedal car without a commercial pedal car driver license as required under this chapter.
- <u>306.30. License fee.</u> (a) The annual fee for a commercial pedal car business license shall be as established in the License Fee Schedule, and based on the number of commercial pedal car(s) in operation on the streets at any time during the license year.
- (b) The annual fee for a commercial pedal car driver license shall be as established in the License Fee Schedule.
- <u>306.40. When licenses expire.</u> Licenses issued under this chapter shall expire on May first of each year.
- 306.50. License number. All commercial pedal cars shall be assigned a number or number series by the department of licenses and consumer services. The number assigned shall be displayed at least two (2) inches to the right of the rear left hand turn signal but no further than the center of the commercial pedal car and shall be a minimum of three (3) inches in height and in a contrasting color that does not blend into the paint color of the commercial pedal car.
- 306.60. License application. (a) Application for a license under this chapter shall be made on forms provided by the department of licenses and consumer services and shall contain any information the department may require, including the name, address and telephone number of the applicant; whether the applicant is a natural person, partnership, corporation or unincorporated association; the names and addresses of all partners, if a partnership, or of all officers and directors, if a corporation; and the names and addresses of all persons authorized to operate a commercial pedal car on behalf of the licensee.
- (b) Application for a pedal car driver license under this chapter shall be made on forms provided by the department of licenses and consumer services and shall contain such information as the department may require, including the name, telephone number, date of birth, current address and all residing addresses within the previous five (5) years of the applicant. Each pedal car driver license shall indicate the name of the pedal car business for which the driver works. No pedal car driver shall drive for a different pedal car business without first notifying the licensing department and obtaining a new driver's license indicating the new pedal car company. Every pedal car driver shall meet and maintain the following requirements in order to hold a pedal car driver license:
 - (1) Possess a valid Minnesota driver license or a valid driver license from their home state. Those with out-of-state driver licenses must not have a currently cancelled, revoked or suspended Minnesota driver license. Those with out-of-state driver licenses must provide a certified copy of their driving and criminal history from their home state.

- (2) Be a minimum of eighteen (18) years old.
- (3) Shall not have had more than three (3) moving violations in the last three (3) years and no more than two (2) moving violations in the last year.
- (4) Shall not have been convicted of careless or reckless driving or any violation of Minn. Stat. 169A (driving while impaired) within the past three years.
- (5) The provisions of Minnesota Statutes, Chapter 364 shall govern the eligibility of an applicant or license holder to acquire or maintain a pedal car driver license based on a prior or present criminal conviction or convictions.
- <u>306.70. Insurance required.</u> No license shall be issued or renewed without proof of general liability insurance in the minimum amount of two million dollars (\$2,000,000.00). Proof of insurance shall comply with section 259.160 of this Code.
- 306.80. Approved tour assembly sites required. All commercial pedal car businesses shall operate tours only from approved commercial locations on private property approved by the department of licenses and consumer services. These sites shall be used by the licensed business as the locations for patrons to gather and assemble prior to embarking on a commercial pedal car tour and to disembark at the conclusion of the tour. Approved sites shall provide patron access to restroom facilities and a minimum of three (3) off street customer parking spaces per pedal car operated from the site. Any approved assembly site located in the B4 Downtown Business District shall be exempt from the restroom facilities and the customer parking requirements. Any assembly site utilized three (3) or fewer times during the annual license period shall be exempt from all requirements of this section.
- <u>306.90. Commercial pedal car inspections.</u> (a) Initial inspections. All commercial pedal cars must pass an initial inspection of condition and compliance with safety and equipment standards under this chapter before a commercial pedal car license is issued.
- (b) Annual inspections. The director of licenses shall require an annual commercial pedal car inspection and may designate minimum safety standards for equipment and body defects. A separate fee as established in the License Fee Schedule may be required for an annual inspection. Commercial pedal cars found to not meet minimum inspection standards may be identified as "out of service" and shall not operate until such defects have been repaired and approved by the director or the director's designee.
- (c) Periodic inspections. The director of licenses shall have the right to examine and inspect any licensed commercial pedal car at any reasonable time in order to ensure compliance with all applicable ordinances, laws and rules.
- (d) In-operation inspections. If an inspector finds a commercial pedal car in operation exhibiting continuing and present safety concerns, the commercial pedal car may be immediately ordered out of service until necessary repairs are made or the safety concerns are resolved. Qualifying safety concerns may include but are not limited to failure to abide by applicable ordinances, laws or rules, flat tires, inoperable head lights or tail lights, or other mechanical or operational issues making the vehicle presently unsafe to operate.
- <u>306.100. Hours of operation.</u> Hours of operation shall be from 10:00 a.m. to 10:00 pm. The prohibitions of hours of operation may be waived for special events.

- <u>306.110. Vehicle operation.</u> Every commercial pedal car shall be operated in compliance with all applicable federal, state and local traffic laws, and in a manner so as to assure the safety of persons and property.
- <u>306.120. Operating restrictions and conditions.</u> (a) No commercial pedal car shall be operated or parked on a public sidewalk.
- (b) No commercial pedal car shall use any public street or other public property as a waiting area unless such area is a legal motor vehicle parking area or as permitted pursuant to section 482.30 of this Code. No pedal car shall park or wait in a taxi stand as defined in section 482.10 of this Code.
- (c) No commercial pedal car driver shall consume any alcoholic beverages while on duty or operate a commercial pedal car while impaired in any manner to any threshold provided by Minn. Statute Section 169A.20(1), as amended.
- (d) All commercial pedal cars shall be clean and maintained in a good state of repair. All commercial pedal cars shall be maintained by the commercial pedal car business so as to be well painted and have an appearance free of damage or deterioration, and a safe operational condition. Commercial pedal cars shall be, at all reasonable times, subject to inspection by the department of licenses and consumer services or the police department.
- (e) All commercial pedal cars shall display a valid license decal conspicuously displayed, issued by the director of licenses and consumer services.
- (f) All commercial pedal cars shall have the trade name and phone number of the licensee conspicuously displayed on the pedal car.
- (g) All commercial pedal car passengers consuming alcohol shall be of legal age as established pursuant to Minn. Statute Section 340A.503, as amended.
- (h) Commercial pedal car drivers shall have in their possession proof of insurance, valid state driver's license and a commercial pedal car drivers license while in control of any commercial pedal car and shall operate the pedal car in compliance with all applicable federal, state, and local traffic laws, ordinances, or other applicable regulations and in a manner so as to assure the safety of persons and property. These documents shall be made available upon request of law enforcement, an authorized city license inspector or traffic control agent.
- (i) All commercial pedal car drivers shall obey and comply with any lawful order or direction of any police officer, traffic control agent, or license inspector, and shall refrain from the use of any profane language or from interference with such officials while in the performance of their duties.
- (j) No commercial pedal car driver shall permit more passengers to be carried in a commercial pedal car than the commercial pedal car's normal seating capacity and no more than two (2) persons in addition to the driver may be in the center aisle while vehicle is in motion.
- (k) No commercial pedal car driver shall allow a passenger or other individuals to drive their commercial pedal car unless that individual also holds a commercial pedal car driver's license.

- (I) Commercial pedal cars may operate on Minneapolis Park and Recreation property only with prior written approval from the Minneapolis Park and Recreation Board.
- (m) No glassware of any kind shall be allowed on a commercial pedal car including but not limited to bottles, receptacles or drinking glasses.
- (n) No music or amplified sound shall be played, nor yelling or conversation be conducted, in such a manner that the sound of which carries to points of habitation or adjacent properties and is audible above the level of conversational speech at a distance of fifty (50) feet or more from the point of origin of the sound.
- (o) No alcoholic beverages other than beer, wine, hard cider, or malt-based beverages below six (6) percent alcohol may be consumed by passengers of a commercial pedal car.
 - (p) It is the responsibility of the commercial pedal car driver to properly dispose of all trash.
- (q) A commercial pedal car driver must be properly attired with a shirt, pants, skirt or shorts and secure footwear.
- (r) A commercial pedal car driver shall not stop to load or unload passengers or their belongings in the intersections of any street, crosswalk or in any manner or other location that would be considered unsafe. No commercial pedal car driver shall load or unload in any such manner that will in any way impede or interfere with the orderly flow of traffic on the streets.
- (s) It shall be unlawful for any commercial pedal car driver to allow or cause to be operated a pedal car in any unsafe manner or operating condition.
- (t) It is the responsibility of the commercial pedal car driver to actively and affirmatively manage the behavior of the passengers of the commercial pedal car so that that their behavior remains law-abiding during the excursion, both while the pedal car is in motion and at a stop. Behavior which shall be prohibited and prevented includes specifically, but is not limited to, violations of Minn. Statute Sections 617.23 (indecent exposure) and 609.72 (disorderly conduct), and sections 227.180 (public urination) and 225.10 (littering) of this Code.
- (u) Any commercial pedal car not in compliance with the minimum requirements of section 306.130 may be cited and placed immediately-out-of-service. Any vehicle which has been so removed from service shall not be returned to service until such vehicle has been approved by the department of licenses and consumer services for resumption of service.
- <u>306.130. Vehicle safety and equipment standards.</u> (a) No commercial pedal car owner or driver shall operate or allow the operation of a commercial pedal car on any street unless the commercial pedal car meets the following equipment and safety standards:
- (1) Tires. Tires shall be of a size appropriate for the commercial pedal car with no mismatched tires per the design of the vehicle. There shall be no cuts to the tire, localized worn spots that expose the ply, or visible tread wear indicators.
- (2) Operational horn. The commercial pedal car shall be equipped with a fully operational horn or bell.

- (3) Brakes. It shall be unlawful to operate, or cause to be operated, a commercial pedal car that is not equipped with a front and rear braking system capable of being manipulated by the driver from driver's normal position of operation and capable of causing a commercial pedal car with a loaded passenger compartment to come to a complete stop in a linear path of motion when each wheel of the commercial pedal car is in contact with the ground on dry, level, clean pavement. The braking system controlling the rear wheels shall be hydraulic or mechanical disc or drum brakes, which are unaffected by rain or wet conditions.
- (4) Headlights, tail lights, mirrors, turn signals, and other requirements. Every commercial pedal car shall be equipped with the operational equipment set forth in the subsections below:
 - (a.) A headlight capable of projecting a beam of white light for a distance at a minimum of three hundred (300) feet which shall be clearly visible during darkness and must be illuminated at all times during darkness.
 - (b.) A side mounted mirror or a wide-angle rear view mirror affixed to the pedal car to reflect to the pedal car driver a view of the street for a distance of at least two hundred (200) feet from the rear of the pedal car.
 - (c.) A red light and brake light affixed to the rear of the pedal car which must be visible for a distance of at least two hundred (200) feet from the rear of the pedal car and must be illuminated at all times during darkness. Turn signals must be affixed to the front and rear of the vehicle.
 - (d.) All pedal cars shall have reflectors on the frame and a red reflector mounted on each side of the rear of the pedal car, at least one (1) inch from the outer edge and centered. In addition, the international slow moving triangle must be displayed on the rear of the pedal car.
- <u>306.140. Advertising on commercial pedal cars.</u> Advertisements shall only be allowed on the manufactured body of the commercial pedal car as permitted by this article. No banners, poles, flags, detached signs, or any other addition or object will be permitted.
- <u>306.150. Commercial Pedal Car Company Licenses.</u> Every licensed pedal car company shall:
- (a) Take affirmative measures to insure that all of its owners and drivers comply with the terms of this chapter.
 - (b) Be responsible for the operation of an unlicensed pedal car driver.
- (c) Ensure that no pedal car is operated in unsafe mechanical condition or continues to operate after it has been ordered out of service.
- (d) Promptly respond to all requests for information from the department of licenses and consumer services.
- (e) Promptly report any and all accidents involving pedal cars operating in Minneapolis to the department of licenses and consumer services.

- (f) Every licensed pedal car company shall be deemed the agent of service of all notices, orders, and other correspondences from the City of Minneapolis to pedal car drivers operating under their company license.
- <u>306.160.</u> Revocation or suspension. In addition to all other penalties, any violation of the terms of this chapter shall be grounds for revocation, suspension, or non-renewal of the license provided for in this chapter.

Adopted.

RE&E - Your Committee recommends passage of the accompanying resolutions:

- a) Rescinding Resolution 90R-142 entitled, "Creating the Minneapolis Environmental Commission (MEC)", as amended on 8/10/1990, 1/24/1992, 7/1/1994, and 8/5/2005; and
- b) Re-Establishing the Citizen Environmental Advisory Committee as the Minneapolis Community Environmental Advisory Commission (CEAC).

Glidden moved to direct staff to review the resolution for accuracy and to make technical changes as necessary. Seconded.

Adopted upon a voice vote.

The report was adopted.

Resolution 2013R-039, rescinding Resolution 90R-142 entitled, "Creating the Minneapolis Environmental Commission (MEC)", was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-039 By Glidden

Rescinding Resolution 90R-142 entitled, "Creating the Minneapolis Environmental Commission (MEC)".

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended on 8/10/1990, 1/24/1992, 7/1/1994, and 8/5/2005 be and is hereby rescinded.

Adopted.

Resolution 2013R-040, Re-Establishing the Citizen Environmental Advisory Committee as the Minneapolis Community Environmental Advisory Commission (CEAC), was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-040 By Glidden

Re-Establishing the Citizen Environmental Advisory Committee as the Minneapolis Community Environmental Advisory Commission (CEAC).

Whereas, local governments can reduce the negative consequences of environmental hazards by educating citizens and by implementing local initiatives that are environmentally conscientious and sound: and

Whereas, the coordination of multiple City resources, both public and private, will be required to identify, develop and implement environmentally sound programs; and

Whereas, the Mayor and City Council have accepted as one of the City's top goals that Minneapolis shall be a City to which the local environment is clean and healthful and which recognizes its share of responsibility on behalf of future generations for addressing global environmental challenges;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the permanent advisory body founded in April, 1990, as the Minneapolis Environmental Commission (MEC),and then changed its name in 1994 to the Minneapolis Citizens Environmental Advisory Committee, be renamed as the Minneapolis Community Environmental Advisory Commission (CEAC) and be reorganized as set forth below so that it may better fulfill its obligation to advise on the environmental consequences of City policies, programs and projects with local or global impacts.

Be It Further Resolved that the duties and membership of the CEAC are as follows:

- 1) The CEAC shall work closely with the Environmental Coordinating Team (ECT) by providing advice and comments on projects, programs and policies referred to the CEAC by the ECT. CEAC may suggest priorities for City policies, programs and projects in accordance with criteria such as environmental urgency, scale of environmental impact, ease of implementation, cost and benefits.
- 2) The CEAC shall consist of 19 members appointed as follows:
 - a) The Mayor shall appoint 8 members to the CEAC and the City Council shall appoint 8 members, each appointing the members as follows:
 - 2 resident members;
 - 2 representatives from environmental advocacy groups (to be a specific individual representing a specific advocacy group);
 - 2 persons with demonstrated technical environmental expertise; and
 - 2 representatives from industries or companies having a major impact on the environment.
 - b) Because of their importance to the environmental well-being of the City, the following entities are invited to designate a representative to serve as a voting member of the CEAC, with qualifications as follows:

Minneapolis Public Schools (MPS) shall designate:

1 - representative with expertise in environmental matters or environmental curriculum.

Hennepin County shall designate:

1 - representative with expertise in environmental matters.

Minneapolis Park and Recreation Board (MPRB) shall designate

1 - representative with expertise in environmental matters.

All members shall serve 2-year terms and replacement of these members shall be nominated and appointed in accordance with the City's Open Appointment process, as set forth in the Minneapolis Code of Ordinances, Section 14.180.

Be It Further Resolved that the Sustainability Office shall have primary responsibility for staffing the CEAC. The CEAC may from time to time ask the ECT to arrange for additional staff from other City departments who may be more appropriate for a specific task or issue.

Be It Further Resolved that the effective date of this Resolution shall be February 8, 2013. Adopted.

RE&E - Your Committee recommends passage of the accompanying resolution granting Liquor, Wine and Beer Licenses to the following businesses:

- a) The Lounge, 411 2nd Ave N;
- b) Spill the Wine, 901 W Lake Street (including Sidewalk Cafe);
- c) French Meadow Bakery and Cafe, 2610 Lyndale Ave S; and
- d) Northgate Brewing, 3134 California St NE.

Adopted.

Approved by Mayor Rybak 2/8/2013.

(Published 2/12/2013)

Resolution 2013R-041, granting Liquor, Wine and Beer Licenses to The Lounge, 411 2nd Ave N; Spill the Wine, 901 W Lake Street; French Meadow Bakery and Cafe, 2610 Lyndale Ave S; and Northgate Brewing, 3134 California St NE, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-041 By Glidden

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2014

Secure Entertainment, LLC, dba The Lounge, 411 2nd Ave N (license upgrade)

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2014

Mt. Bottle LLC, dba Spill the Wine, 901 W Lake St (new business)

On-Sale Wine Class E with Strong Beer, to expire April 1, 2013

Lowry Hills Cafe, Inc, dba French Meadow Bakery and Cafe, 2610 Lyndale Ave S (permanent expansion of premises)

Off-Sale Malt Liquor, to expire October 1, 2013

Northgate Brewing LLC, dba Northgate Brewing, 3134 California St NE (new business - Growler License)

Sidewalk Cafe License, to expire April 1, 2014

Mt. Bottle LLC, dba Spill the Wine, 901 W Lake St (new business).

Adopted.

Approved by Mayor Rybak 2/8/2013.

RE&E - Your Committee, having under consideration the application of SNJ Inc, dba Ultra Wash, Hi Lake Shopping Center, 2112 E Lake St, for an Extended Hours License to operate a laundry 24 hours per day, seven days per week to expire May 1, 2013, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted.

RE&E - Your Committee recommends passage of the accompanying resolution granting the application of Burch Steak and Pizza Bar, 1934 Hennepin Ave, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions.

Adopted.

Approved by Mayor Rybak 2/8/2013.

(Published 2/12/2013)

Resolution 2013R-042, granting the application of Burch Steak and Pizza Bar, 1934 Hennepin Ave, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-042 By Glidden

Granting the application of Burch Steak and Pizza Bar, 1934 Hennepin Ave, for an On-Sale Liquor Class E with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Burch Group, LLC, dba Burch Steak and Pizza Bar, 1934 Hennepin Ave, for an On-Sale Liquor Class E with Sunday Sales License to expire January 1, 2014, subject to the following conditions:

- 1. Burch Steak and Pizza Bar will have valet parking available for their customers and continue to have valet parking available as part of their On-Sale Liquor License as outlined in the Travel Demand Management Plan which was finalized on December 12, 2012. As detailed in this plan, Burch Steak and Pizza Bar will have valet parking daily from 5:00 p.m. until 1:00 a.m. The valet parking will be operated by Metropolitan Valet. The valet zone will be operated from Colfax Avenue South on the east side of the street just north of Franklin Avenue West. Additionally, Burch Steak and Pizza Bar will comply with all items set forth in the TDMP. If a new valet service is utilized, Business Licensing must be notified immediately upon any change.
- 2. Burch Steak and Pizza Bar shall provide a lease for the parking lot that will be used for their valet parking. If a lease is terminated it shall be the responsibility of Burch Steak and Pizza Bar to obtain and provide an approved signed lease to Business Licensing.

3. Final inspection and compliance with all provisions of applicable codes and ordinances. Adopted.

Approved by Mayor Rybak 2/8/2013.

RE&E - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Off-Sale Beer License held by Old Colony EZ Stop, 1717 Broadway St NE.

Adopted.

Resolution 2013R-043, approving License Settlement Conference recommendations relating to the Off-Sale Beer License held by Old Colony EZ Stop, 1717 Broadway St NE, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-043 By Glidden

Approving License Settlement Conference recommendations relating to the Off-Sale Beer License held by Old Colony EZ Stop, 1717 Broadway St NE.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on December 19, 2012 with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee violated the Minneapolis Code of Ordinances as follows:

- a) On two separate occasions, employees of Old Colony EZ Stop sold alcohol to persons under the age of 21, in violation of Minneapolis City Ordinance 370.10, Minnesota Statute 340A.503 subd. 2(1), and the established compliance check policy and procedures of the City of Minneapolis. These compliance failures all occurred in a period of less than 24 months; and
- b) The licensee has paid the \$500.00 administrative fine related to the first above-stated compliance check failure. The licensee has also paid the \$1000.00 administrative fine related to the second above-stated compliance check failure;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the office of the City Clerk and made a part of this report by reference:

- 1. A sanction in the amount of \$1,500 (\$1,000 stayed for a period of one year pending no further alcohol compliance check failures). \$500 will be paid upon signing this agreement, payable to the Minneapolis Finance Department, delivered to the office of Licenses and Consumer Services.
- 2. Old Colony EZ Stop agrees to conduct underage alcohol compliance checks on its employees six (6) times a year. This activity is to be kept in a log book at the business and available to inspectors upon request.

- 3. Old Colony EZ Stop agrees to conduct annual alcohol server training.
- 4. Old Colony EZ Stop agrees to implement a system where alcohol purchases will be verified by two (2) employees.
- 5. Old Colony EZ Stop agrees to implement a program where employees will sign in by writing down the day's date of when alcohol and tobacco can be sold.
- 6. This agreement shall not preclude any other adverse license action for subsequent violations of this agreement, or for subsequent violations or subsequently-discovered violations of any federal, state or local laws, ordinances, or regulations.

 Adopted.
- **RE&E** Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Union Liquor Store, 3219 Penn Ave N. Adopted.

Resolution 2013R-044, approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Union Liquor Store, 3219 Penn Ave N, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-044 By Glidden

Approving License Settlement Conference recommendations relating to the Off-Sale Liquor License held by Union Liquor Store, 3219 Penn Ave N.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on December 17, 2012 with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee violated the Minneapolis Code of Ordinances as follows:

- a) On two separate occasions, employees of Union Liquor Store sold alcohol to persons under the age of 21, in violation of Minneapolis City Ordinance 370.10, Minnesota Statute 340A.503 subd. 2(1), and the established compliance check policy and procedures of the City of Minneapolis. These compliance failures all occurred in a period of less than 24 months; and
- b) The licensee has paid the \$500.00 administrative fine related to the first above-stated compliance check failure. The licensee has also paid the \$1000.00 administrative fine related to the second above-stated compliance check failure;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the office of the City Clerk and made a part of this report by reference:

- 1. An administrative fine of \$1,500 will be paid upon signing this agreement, payable to the Minneapolis Finance Department, delivered to the office of Licenses and Consumer Services.
- 2. Union Liquor Store agrees to conduct underage alcohol compliance checks on its employees six (6) times a year. This activity is to be kept in a log book at the business and available to inspectors upon request.
- 3. Union Liquor Store agrees to continue to operate the technology that requires a scanned ID prior to the sale of alcohol.
- 4. Union Liquor Store agrees to have an additional trained store manager on the sales floor, whose main duty is to watch cashier and floor activities.
 - 5. Union Liquor Store agrees to conduct annual alcohol server training.
- 6. This agreement does not alter or preclude any previously imposed license conditions that may exist regarding any other licenses held by Union Liquor Store.
- 7. This agreement shall not preclude any other adverse license action for subsequent violations of this agreement, or for subsequent violations or subsequently-discovered violations of any federal, state or local laws, ordinances, or regulations.

 Adopted.
- **RE&E** Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Wine Class E with Strong Beer License held by La Colonia Restaurant, 2205 Central Ave NE. Adopted.

Resolution 2013R-045, approving License Settlement Conference recommendations relating to the On-Sale Wine Class E with Strong Beer License held by La Colonia Restaurant, 2205 Central Ave NE, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-045 By Glidden

Approving License Settlement Conference recommendations relating to the On-Sale Wine Class E with Strong Beer License held by La Colonia Restaurant, 2205 Central Ave NE.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on December 12, 2012 with the licensee; and

Whereas, the Regulatory, Energy & Environment Committee received Findings of Fact, Conclusions and Recommendations that concluded that the licensee violated the Minneapolis Code of Ordinances as follows:

a) On two separate occasions, employees of La Colonia Restaurant sold alcohol to persons under the age of 21, in violation of Minneapolis City Ordinance 370.10, Minnesota Statute

340A.503 subd. 2(1), and the established compliance check policy and procedures of the City of Minneapolis. These compliance failures all occurred in a period of less than 24 months; and

b) The licensee has paid the \$500.00 administrative fine related to the first above-stated compliance check failure. The licensee has also paid the \$1000.00 administrative fine related to the second above-stated compliance check failure;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the office of the City Clerk and made a part of this report by reference:

- 1. La Colonia shall submit an updated and approved alcohol service policy to the office of Licenses and Consumer Services, due at the time of signing this agreement.
- 2. La Colonia shall set up one alcohol server training within two (2) months following the approval of this agreement by City Council.
- 3. In lieu of a suspension the City shall impose a \$1500 sanction. \$1000 shall be stayed for a period of one year from the signing of this agreement. The licensee shall pay \$500 of this sanction due at the time of signing this agreement.

 Adopted.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted.

Resolution 2013R-046, granting applications for Liquor, Wine and Beer Licenses, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-046 By Glidden

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 276291):

On-Sale Liquor Class A with Sunday Sales, to expire July 1, 2013
Noble House Minneapolis LLC, dba The Commons Hotel, 615 Washington Ave SE

On-Sale Liquor Class E with Sunday Sales, to expire January 1, 2014 Fossland-Olson Inc, dba The 1029 Bar, 1029 Marshall St NE

Temporary On-Sale Liquor

Kingfield Neighborhood Assn, dba Kingfield Neighborhood Assn, 100 46th St W (February 22, 2013, 9:00 am - 2:00 am)

Kingfield Farmers Market, dba Kingfield Farmers Market, 610 Lyndale Ave S (February 23, 2013, 10:00 am to 2:00 pm)

Liquor Catering Services, to expire August 1, 2013

Phoenix Catering Inc, dba Joseph Catering, 336 Hoover St NE. Adopted.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted.

Resolution 2013R-047, granting applications for business licenses, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-047 By Glidden

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the office of the City Clerk under date of February 8, 2013 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 276291):

Amusement Devices, Car Wash, Courtesy Bench, Dry Cleaner - Flammable; Dry Cleaner - Non-Flammable; Dry Cleaning & Laundry Pickup Station; Laundry; Extended Hours; Short-Term Food Permit; Seasonal Short-Term Food Permit; Sidewalk Cafe; Gas Fitter Class A; Gasoline Filling Station; Hospital; Hotel/Motel; Liquid Waste Hauler; Motor Vehicle Repair Garage; Peddler - Foot; Plumber; Refrigeration Systems Installer; Residential Specialty Contractor; Sign Hanger; Solicitor - Individual; Taxicab Service Company; Taxicab Vehicle - Fuel Efficient; Taxicab Vehicle - Wheelchair Access; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Combined Trades; Tree Servicing; Wrecker of Buildings Class A; Wrecker of Buildings Class B; and Pawnbroker Class A.

Adopted.

RE&E - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted.

Resolution 2013R-048, granting applications for Gambling Licenses, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-048 By Glidden

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 276291):

Gambling Exempt

Church of Our Lady of Peace, dba Church of Our Lady of Peace, 5426 12th Ave S (Raffle February 9, 2013)

Pheasants Forever & Quail Forever, dba Pheasants Forever & Quail Forever, 1783 Buerkle Cir, St. Paul (Raffle February 15, 2013, Hyatt Regency Minneapolis)

Lakers Trap Shooting Club LLC, dba Lakers Trap Shooting Club, 14975 Storms Cir SE, Prior Lake (Raffle February 17, 2013, Minneapolis Convention Center)

Pheasants Forever & Quail Forever, dba Pheasants Forever & Quail Forever, 1783 Buerkle Cir, St. Paul (Raffle February 15-17, 2013, Minneapolis Convention Center)

Association of Corporate Counsel, Minnesota Chapter, dba Association of Corporate Counsel, Minnesota Chapter, 3375 Reed Way SE, Prior Lake (Raffle February 23, 2013, Windows on Minnesota/Marquette Hotel)

Carondelet Catholic School, dba Carondelet Catholic School, 3210 W 51st St (Raffle February 23, 2013, Graves 301 Hotel)

Risen Christ Catholic School, dba Risen Christ Catholic Church, 1120 E 37th St (Raffle April 26, 2013, Hilton Minneapolis)

Mixed Blood Theatre, dba Mixed Blood Theatre, 1501 4th St S, Raffle June 26, 2013. Adopted.

RE&E - Your Committee, having under consideration the Rental Dwelling License held by Abdulaziz Sheikh for the property located at 2431 Chicago Ave, and the licensee having been notified of the City's intent to revoke the license and not having filed an appeal, now recommends approval of the recommendation of the Director of Regulatory Services that said license be revoked for failure to meet licensing standards pursuant to Section 244.1910 of the Minneapolis Code of Ordinances, as more fully set forth in the Findings of Fact on file in the office of the City Clerk as FOF-2013-09 which are hereby made a part of this report by reference.

Glidden moved that the report be deleted. Seconded. Adopted.

RE&E - Your Committee, having under consideration the Rental Dwelling License held by Camisha J. Terry for the property located at 2120 Emerson Ave N, and the licensee having been notified of the City's intent to revoke the license and not having filed an appeal, now recommends approval of the recommendation of the Director of Regulatory Services that said license be revoked for failure to meet licensing standards pursuant to Section 244.1910 of the Minneapolis Code of Ordinances, as more fully set forth in the Findings of Fact on file in the office of the City Clerk as FOF-2013-10 which are hereby made a part of this report by reference.

Adopted.

The REGULATORY, ENERGY & ENVIRONMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

RE&E & W&M/Budget - Your Committee, having under consideration the installation of a solar photovoltaic system at Fire Station No 4, now recommends that the proper City officers be authorized to execute Amendment No 1 (Final) to Contract No C-36072 with Energy Concepts, increasing the contract by \$1,060, for a revised contract total of \$59,560, to allow for unanticipated roof preparation work. Funds are available within the existing project budget. Adopted.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee recommends passage of the accompanying resolution designating locations and streets to be improved in the 2013 Street Resurfacing Program, Page Area Street Resurfacing Project, Special Improvement of Existing Street No 5248 and the 54th St E Street Resurfacing Project, Special Improvement of Existing Street No 5249.

Adopted.

Resolution 2013R-049, designating locations and streets to be improved in the Page Area Street Resurfacing Project No 5248 and the 54th St E Street Resurfacing Project No 5249, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-049 By Colvin Roy

2013 STREET RESURFACING PROGRAM
PAGE AREA STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5248
AND
54TH ST E STREET RESURFACING PROJECT
SPECIAL IMPROVEMENT OF EXISTING STREET NO 5249

Designating the improvement of certain existing streets in the 2013 Street Resurfacing Program at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by asphalt mill and overlay and including other street resurfacing related improvements as needed:

Page Area (5248)

3rd Ave S and Clinton Ave S from Luverne Ave to Diamond Lake Rd;

Hampshire Dr from Diamond Lake Rd E to its terminus in a cul-de-sac north of 53rd St E;

Tarrymore Ave from Luverne Ave to 51st St E;

Portland Ave from approximately 265 feet south of 51st St E to 52nd St E;

Oakland Ave from E Minnehaha Pkwy to 52nd St E;

Park Ave and Oakland Ave from E Minnehaha Pkwy/51st St E to 54th St E;

E Minnehaha Pkwy/51st St E from Portland Ave to Chicago Ave; 51st St E from Tarrymore Ave to Chicago Ave; Luverne Ave from 2nd Ave S to 51st St E; 52nd St E from Portland Ave to Chicago Ave; 53rd St E from 2nd Ave S to Hampshire Dr and from Portland Ave to Chicago Ave; and 54th St E from 2nd Ave S to Hampshire Dr.

54th St E (5249)

54th St E from Portland Ave to W Lake Nokomis Pkwy. Adopted.

T&PW - Your Committee, having received the following cost estimates for street resurfacing improvements and a list of benefited properties for certain locations in the Page Area and 54th St E Street Resurfacing Projects, as designated by Resolution 2013R-049 passed February 8, 2013, now recommends that the City Engineer be directed to prepare proposed Street Resurfacing Special Improvement Assessments against the list of benefited properties by applying the 2013 Uniform Assessment Rates as per Resolution 2012R-605, passed November 16, 2012:

- Page Area, Special Improvement of Existing Street No 5248 \$873,810; and
- 54th St E (Portland Ave to W Lake Nokomis Pkwy), Special Improvement of Existing Street No 5249 - \$478,308

Your Committee further recommends that a public hearing be held on March 19, 2013 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted.

T&PW - Your Committee recommends passage of the accompanying resolution designating locations and streets to be improved in the 2013 Street Resurfacing Program, Oak Lake Ave N and 10th Ave N Street Resurfacing Project, Special Improvement of Existing Street No 5246. Adopted.

Resolution 2013R-050, designating locations and streets to be improved in the Oak Lake Ave N and 10th Ave N Street Resurfacing Project 5246, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-050 By Colvin Roy

2013 STREET RESURFACING PROGRAM OAK LAKE AVE N AND 10TH AVE N STREET RESURFACING PROJECT SPECIAL IMPROVEMENT OF EXISTING STREET NO 5246

Designating the improvement of certain existing streets in the 2013 Street Resurfacing Program at the locations described hereinafter.

Resolved by The City Council of The City of Minneapolis:

That the following existing streets within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by asphalt mill and overlay and including other street resurfacing related improvements as needed:

Oak Lake Ave N from Olson Memorial Hwy to 10th Ave N; and 10th Ave N from 8th Ave N to Washington Ave N. Adopted.

T&PW - Your Committee, having received a cost estimate of \$375,125 for street resurfacing improvements and a list of benefited properties for certain locations in the Oak Lake Ave N and 10th Ave N Street Resurfacing Project, Special Improvement of Existing Street No 5246, as designated by Resolution 2013R-050 passed February 8, 2013, now recommends that the City Engineer be directed to prepare a proposed Street Resurfacing Special Improvement Assessment against the list of benefited properties by applying the 2013 Uniform Assessment Rates as per Resolution 2012R-605, passed November 16, 2012.

Your Committee further recommends that a public hearing be held on March 19, 2013 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the resurfacing of the above-designated street locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

Adopted.

T&PW - Your Committee recommends passage of the accompanying resolution appointing members to the Skyway Advisory Committee, as recommended by the Downtown Council, for one-year terms expiring December 31, 2013.

Adopted.

Resolution 2013R-051, appointing members to the Skyway Advisory Committee, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-051 By Colvin Roy

Appointing members to the Skyway Advisory Committee.

Resolved by The City Council of The City of Minneapolis:

That the following individuals be appointed to the Skyway Advisory Committee, as recommended by the Downtown Council, for one-year terms expiring December 31, 2013.

Katie Bongard, Piedmont Office Realty Trust
Brent Erickson, Cushman & Wakefield/Northmarq RE
Jon Fletcher, Alatus LLC
Mike Hagen, the 614 Company, owners of the Young Quinlan Building
Andy Hauer, Downtown Minneapolis Resident's Association
Steve Herron, Zeller Realty Group
Bob Jones, TCF National Bank

Deb Kolar, Inland American Office Management
Angela McClintick, Ameriprise Financial
Beth Molitor, Ryan Companies US, Inc.
Dale Nelson, Hilton Minneapolis
Leif Pettersen, resident of Centre Village
Gene Rerat, Marquette Plaza
George Rosenquist, downtown resident - physically challenged
Atif Saeed, Mpls Traffic & Parking Services
Mark Zirbel, Minneapolis Convention Center
Ted Zwieg, Brookfield Office Properties

Non-Voting Ex Officio Members:

Beth Elliott - CPED
Christopher Dixon - City Attorney's Office
Tim Blazina - Traffic and Parking Services.
Adopted.

T&PW - Your Committee, having under consideration the University of Minnesota Trail Project, Phase III, now recommends passage of the accompanying resolution amending an agreement with the Minnesota Department of Transportation (MnDOT) increasing the federal funding contribution for the project, executing a new agreement with MnDOT for federal reimbursement of construction engineering costs, and appointing the Commissioner of Transportation as the City's agent to accept federal aid funds.

Adopted.

Approved by Mayor Rybak 2/8/2013. (Published 2/12/2013)

Resolution 2013R-052, authorizing agreements with the Minnesota Department of Transportation (MnDOT) amending a preliminary engineering agreement and entering into a new agreement with MnDOT relating to the University of Minnesota Trail, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-052 By Colvin Roy

Authorizing agreements with the Minnesota Department of Transportation (MnDOT) amending a preliminary engineering agreement and entering into a new agreement with MnDOT relating to the University of Minnesota Trail.

Whereas, construction of a shared bicycle path connecting downtown Minneapolis with the Minneapolis campus of the University of Minnesota ("University Trail") is a priority for the City of Minneapolis and its residents; and

Whereas, the City has previously obtained funding for use in designing and constructing the University Trail through a 2007 NTP grant along with City Net Debt Bonds, City Sewer Revenues, and City Revenues; and

Whereas, City staff and counsel have negotiated a proposed non-exclusive, revocable license agreement ("Shared Path Agreement") with the University of Minnesota under which the City will be permitted to construct, maintain and operate the University Trail on University-owned property for a 50-year term;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis Director of Public Works and the City Contracting Officer is hereby authorized and directed for and on behalf of the City to execute and enter into an agreement with the Commissioner of Transportation prescribed in the terms and conditions of said federal aid participation as set forth and contained in Minnesota Department of Transportation Agency Agreement No 02195 and Amendment 2 of Minnesota Department of Transportation Agency No 92693, copies of which said agreement was before the City Council and which is made a part hereof by reference.

Be It Further Resolved that, pursuant to Minnesota Stat. Sec. 161.36, the Commissioner of Transportation be appointed as Agent of the City of Minneapolis to accept as its agent, federal aid funds which may be made available for eligible transportation-related projects Adopted.

Approved by Mayor Rybak 2/8/2013.

T&PW - Your Committee, having under consideration the solicitation of grant applications for Safe Routes to School Projects, now recommends that the proper City officers be authorized to submit the following projects to the Minnesota Department of Transportation for consideration:

35th / 36th Street Traffic Calming and Crossing Improvements

Green Central Park Community School Lyndale Community School

Johnson Street Northeast Traffic Calming and Crossing Improvements

Waite Park Community School

Lowry Avenue North Traffic Calming and Crossing Improvements

Lucy Laney Community School. Adopted.

T&PW - Your Committee, having under consideration the Federal Aviation Administration Draft Finding of No Significant Impact/Record of Decision for the proposed 2020 Minneapolis-St. Paul International Airport Improvement Project, now recommends the approval of the City's comments on the Draft Finding of No Significant Impact/Record of Decision for submittal to Federal Aviation Administration.

Glidden moved that the portion of the City's comments relating to the Finding of No Significant Impact be amended to read as follows:

"Finding of No Significant Impact

The City of Minneapolis <u>believes additional environmental review is necessary and disputes the Finding of No Significant Impact. The City will continue to reaffirm our request for an Environmental Impact Statement that <u>includes evaluates</u> the cumulative effects of future airport actions including a full build-out of the Long-Term Comprehensive Plan (LTCP). We disagree with the MAC's response that the later phases of the LTCP are not "reasonable foreseeable actions." The MAC has stated that it is positioning itself to be ready to build new</u>

facilities when additional carriers decide to locate at MSP. Just as the airport needs to be ready to build these projects in a reasonable amount of time, the surrounding communities need to understand the full environmental impacts of a possible build-out of the Long-Term Comprehensive Plan in order to make informed decisions about the long-term future of the airport." Seconded.

Adopted upon a voice vote.

The report, as amended, as adopted.

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the Penn Ave S, Phase I, Street Reconstruction Project, Special Improvement of Existing Street No 6748 (MN-62 to 100 feet north of 54th St W), and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

- a) Ordering the work to proceed and adopting the special assessments for the Street Reconstruction Project;
- b) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds for the purpose of paying the assessed cost of street improvements in the Reconstruction Project;
- c) Directing the City Engineer to establish parking restrictions on Penn Ave S between the limits of MN-62 and 54th St W; and
- d) Ordering the City Engineer to abandon and remove areaways located in the public street right-of-way that are in conflict with the project.

Adopted.

Resolution 2013R-053, ordering the work to proceed and adopting the special assessments for the Penn Ave S Street Reconstruction Project No 6748, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-053 By Colvin Roy and Hodges

PENN AVE PHASE I STREET RECONSTRUCTION PROJECT SPECIAL IMPROVEMENT OF EXISTING STREET NO 6748

Ordering the work to proceed and adopting the special assessments for the Penn Ave Phase I Street Reconstruction Project.

Whereas, a public hearing was held on January 29, 2013 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2012R-608 passed November 16, 2012, to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2012R-608 passed November 16, 2012.

Be It Further Resolved that the proposed special assessments in the total amount of \$913,568.16, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2014 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessment of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2014 real estate tax statements.

Adopted.

Resolution 2013R-054, requesting the Board of Estimate and Taxation to issue and sell assessment bonds for the purpose of paying the assessed cost of street improvements in the Penn Ave S Street Reconstruction Project No 6748, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-054 By Colvin Roy and Hodges

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$913,570 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Penn Ave Phase I Street Reconstruction Project, Special Improvement of Existing Street No 6748, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted.

Resolution 2013R-055, directing the City Engineer to establish no parking restrictions on Penn Ave at specific locations between the limits of MN-62 and 54th St W, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-055 By Colvin Roy and Hodges

Directing the City Engineer to establish no parking restrictions on Penn Avenue at specific locations between the limits of MN-62 and 54th St W.

Whereas, the City of Minneapolis wishes to reconstruct Penn Avenue between the limits of MN-62 and 100 feet north of 54th St W; and

Whereas, Minnesota Department of Transportation (MnDOT) State Aid Rule 8820 requires parking provisions to meet the existing average daily traffic and peak hour traffic volumes and a minimum number of drive lanes, lane widths, and parking widths; and

Whereas, to meet State Aid Rule 8820, the City recommends establishing No Parking Anytime at the following locations:

- Easterly side of Penn Ave S beginning at the northerly curb line of Crosstown Hwy ramps and thence extending 140 ft northerly
- Westerly side of Penn Ave S beginning at the southerly curb line of 60th St W and thence extending 360 ft southerly
- Easterly side of Penn Ave S beginning at the northerly curb line of 60th St W and thence extending 160 ft northerly
- Westerly side of Penn Ave S beginning at the southerly curb line of 56th St W and thence extending 1200 ft southerly; and

Whereas, State Aid Rules require a certified resolution documenting the requested action;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby directed to install the above-mentioned parking restrictions and to submit this resolution to the Commissioner of Transportation to meet State Rule 8820. Adopted.

Resolution 2013R-056, ordering the City Engineer to abandon and remove areaways located in the public street right-of-way in conflict with the street reconstruction project in the Penn Ave S Phase I area, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-056 By Colvin Roy and Hodges

Ordering the City Engineer to abandon and remove the areaways located in the public street right-of-way in conflict with the street reconstruction project in the Penn Ave Phase I area.

Whereas, the City of Minneapolis has scheduled street reconstruction improvements starting in 2013 in the Penn Ave Phase I area of Minneapolis; and

Whereas, there are areaways located in the public street right-of-way that are in conflict with said reconstruction; and

Whereas, a public hearing was held on January 29, 2013 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Sections 24.180 and 95.90 of the Minneapolis Code of Ordinances to consider the proposed abandonment and removal of the above-

mentioned areaways and to consider all written and oral objections and statements regarding the proposed areaway abandonment and removal;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways located in the public street right-of-way adjoining the properties along both sides of Penn Ave from MN-62 to 100 feet N of 54th St W.

Adopted.

T&PW & W&M/Budget - Your Committee, having under consideration the proposed Penn Ave S, Phase I, Street Lighting Project, Special Improvement of Existing Street No 6748L (MN-62 to 100 feet north of 54th St W), and having held a public hearing thereon, now recommends that the Penn Ave S Street Lighting Project and the related assessments be denied. Adopted.

T&PW & W&M/Budget - Your Committee, having under consideration the Winter St NE Street Reconstruction Project, Special Improvement of Existing Street No 2226, and having held a public hearing thereon, now recommends passage of the accompanying resolutions:

- a) Ordering the work to proceed and adopting the special assessments for the project;
- b) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds for the purpose of paying the assessed cost of street improvements in the project; and
- c) Ordering the City Engineer to abandon and remove areaways located in the public street right-of-way that are in conflict with the project.
 Adopted.

Resolution 2013R-057, ordering the work to proceed and adopting the special assessments for the Winter St NE Street Reconstruction Project No 2226, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-057 By Colvin Roy and Hodges

WINTER ST NE STREET RECONSTRUCTION PROJECT SPECIAL IMPROVEMENT OF EXISTING STREET NO 2226

Ordering the work to proceed and adopting the special assessments for the Winter St NE Street Reconstruction Project.

Whereas, a public hearing was held on January 29, 2013 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2012R-607 passed November 16, 2012, to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2012R-607 passed November 16, 2012.

Be It Further Resolved that the proposed special assessments in the total amount of \$1,775,857.71, as on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2014 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessment of \$150 or less may be paid shall be fixed at one (1) and that interest be charged at the same rate as the City pays in interest for selling assessment bonds, with collection of the special assessments to begin on the 2014 real estate tax statements.

Adopted.

Resolution 2013R-058, requesting the Board of Estimate and Taxation to issue and sell assessment bonds for the purpose of paying the assessed cost of street improvements in the Winter St NE Street Reconstruction Project No 2226, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-058 By Colvin Roy and Hodges

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$1,775,860 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street improvements in the Winter St NE Street Reconstruction Project, Special Improvement of Existing Street No 2226, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted.

Resolution 2013R-059, ordering the City Engineer to abandon and remove areaways located in the public street right-of-way in conflict with the street reconstruction project in the Winter St NE area, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-059 By Colvin Roy and Hodges

Ordering the City Engineer to abandon and remove areaways located in the public street right-of-way that are in conflict with the street reconstruction project in the Winter St NE area.

Whereas, the City of Minneapolis has scheduled reconstruction improvements starting in 2013 in the Winter St NE area of Minneapolis; and

Whereas, there are areaways located in the public street right-of-way that are in conflict with said reconstruction; and

Whereas, a public hearing was held on January 29, 2013 in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Sections 24.180 and 95.90 of the Minneapolis Code of Ordinances to consider the proposed abandonment and removal of the above-mentioned areaways and to consider all written and oral objections and statements regarding the proposed areaway abandonment and removal;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis;

That the City Engineer is hereby ordered and directed to abandon and remove the conflicting areaways located in the public street right-of-way adjoining the properties along both sides of Winter St NE from cul-de-sac to 15th Ave SE; Ulysses St NE from Winter St NE to the dead-end; Garfield St NE from E Hennepin Ave to Winter St NE; 14th Ave SE from E Hennepin Ave to dead-end; 15th Ave SE from E Hennepin Ave to Winter St NE; and 16th Ave from E Hennepin Ave to dead-end.

Adopted.

- **T&PW & W&M/Budget** Your Committee recommends that the proper City officers be authorized to negotiate and execute a Cooperative Agreement with Hennepin County for public infrastructure improvements related to The Interchange project, including storm drain construction, street lighting and traffic signal installation as follows:
- a) Storm drain construction in the amount of \$98,810 will be paid for from existing City funds for Storm Drains and Tunnel Rehabilitation (07300-9010932-SW011); and
- b) Hennepin County shall reimburse the City for Street Lighting and Traffic Signal Installation.

Further, passage of the accompanying Resolution increasing the appropriation for the project by \$351,500 to be reimbursed by Hennepin County.

Adopted.

RESOLUTION 2013R-060 By Colvin Roy and Hodges

Amending The 2013 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Capital Improvements Fund/Dept (04100-9010943-TR99R) by \$351,500 and increasing the revenue source (04100-9010943 CTR99R - Source 322500) by \$351,500. Adopted.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7726 from Preferred Electric, Inc., for an estimated expenditure of \$155,700.00, to furnish and deliver all labor, materials, and incidentals necessary for an LED Light Fixture System and Dimmable Wireless System at the Mill Quarter Ramp.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service in accordance with City specifications.

Adopted.

T&PW & W&M/Budget - Your Committee recommends acceptance of the low bid submitted to the Public Works Department on OP No 7738 from Marge Magnuson Construction Company, Inc., for an estimated expenditure of \$51,024.00, to furnish and deliver all labor, materials, equipment, and incidentals necessary to accomplish the concrete slab replacement - activated carbon tank for the Water Treatment and Distribution Division as set forth in the staff report.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service in accordance with City specifications.

Adopted.

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee recommends acceptance of the low bid received on Bid No. HLS07192012 from Canon Business Solutions, Inc., for an estimated expenditure in the amount of \$99,000 to furnish and deliver rental of a duplicating machine for 36 months for the Document Solution Center of the City Clerk Department.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications.

Adopted.

Absent – Quincy. Approved by Mayor Rybak 2/8/2013. (Published 2/12/2013)

W&M/Budget - Your Committee recommends approval of the March 2013 utility billing insert on behalf of Public Works/Metro Blooms, providing information about rain garden workshops.

Adopted.

Absent - Quincy.

W&M/Budget - Your Committee recommends acceptance of the low bid on OP No 7733 from Mayer Electric Corporation in the amount of \$96,330 to furnish and deliver all labor and materials for installation of a Traffic Management Center Standby Generator at the Traffic Management Center for the Minneapolis Finance/Property Services Division.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for this project, all in accordance with City specifications.

Adopted.

Absent – Quincy.

W&M/Budget - Your Committee recommends the proper City officers be authorized to execute a new agreement with B2Gnow/AskReply, Inc. for the remainder of the prior agreement's three-year term, through October 31, 2014, for use of the Prevailing Wage/Workforce module (LCPtracker). The contract will maintain the City's preferred terms and conditions from the prior terminated agreement, and will not exceed \$50,000.

Adopted.

Absent – Quincy.

W&M/Budget - Your Committee recommends the proper City officers be authorized to execute Amendment #6 to contract C-24688 with St. Stephen's Human Services, Inc. to continue homeless outreach services, as follows:

- a) Extend contract period to December 31, 2013; and
- b) Increase contact amount by \$380,013, payable from the Neighborhood and Community Relations 2013 adopted budget. No additional appropriation required.

Adopted.

Absent – Quincy.

W&M/Budget - Your Committee recommends the proper City officers be authorized to extend Contract C-21358 with FedEx Office and Print Services, Inc., for an additional eight months until September 30, 2013, to continue management of the Business Center at the Convention Center while the Request for Proposals (RFP) process is completed.

Adopted.

Absent – Quincy.

W&M/Budget - Your Committee recommends concurrence with the Executive Committee in approving the new appointed position of Director Long Range Planning, (grade 15 with 683 points), effective February 10, 2013, as set forth in Petn No 276304 on file in the Office of the City Clerk.

Your Committee further recommends passage of the accompanying Salary Ordinance establishing the salary for said appointed position.

Adopted.

Absent – Quincy.

Ordinance 2013-Or-009 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the appointed position of Director Long Range Planning, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-009
By Hodges
1st & 2nd Readings: 2/8/2013

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP) Effective: February 10, 201

		• •				Step A	Step B	Step C	Step D
FLSA E	OTC 1	CLASSIFICATION Director Long Range Planning	PTS 683	_	-	Start rate \$103,630	After 1 " A " year \$109,084	After 2 " B " years \$112,356	After 3 "C" years \$114,538

Adopted.

Absent – Quincy.

W&M/Budget - Your Committee recommends concurrence with the Executive Committee in approving the new appointed position of Director Development Services, (grade 16 with 745 points), effective February 10, 2013, as set forth in Petn No 276304 on file in the Office of the City Clerk.

Your Committee further recommends passage of the accompanying Salary Ordinance establishing the salary for said appointed position.

Adopted.

Absent – Quincy.

Ordinance 2013-Or-010 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the appointed position of Director Development Services, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-010 By Hodges 1st & 2nd Readings: 2/8/2013

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP) Effective: February 10, 2013

					Step A	Step B	Step C	Step D
FLSA E	OTC CLASSIFICATION 1 Director Development Services	PTS 745	G 16	P A	Start rate \$113,218	After 1 " A" year \$119,177	After 2 "B" years \$122,752	After 3 "C" years \$125,135
Adopted. Absent – Quincy.								

W&M/Budget - Your Committee recommends concurrence with the Executive Committee in approving the new appointed position of Assistant Director Civil Rights - Employment Equity, (grade 10 with 483 points), effective February 10, 2013, as set forth in Petn No 276304 on file in the Office of the City Clerk.

Your Committee further recommends passage of the accompanying Salary Ordinance establishing the salary for said appointed position.

Adopted.

Absent – Quincy.

Ordinance 2013-Or-011 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*, establishing the salary for the appointed position of Assistant Director Civil Rights - Employment Equity, was adopted by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2013-Or-011 By Hodges 1st & 2nd Readings: 2/8/2013

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: Personnel*.

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classification in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Annual Rates)

Appointed Officials (CAP) Effective: February 10, 2013

						Step A	Step B	Step C	Step D
FLSA C	отс I	CLASSIFICATION Assistant Director Civil Rights –	PTS 483	_	P A	Start rate \$72,701	After 1 "A" year \$76,527	After 2 "B" years \$78,823	After 3 "C" years \$80,353
Ador	oted.	Employment Eq	uity						
		Quincy.							

W&M/Budget - Your Committee recommends passage of the accompanying resolutions approving terms of the collective bargaining agreements with: a) the Public Works Engineers Unit represented by the Minneapolis Public Works Engineers Association, effective January 1, 2011 through December 31, 2013; and b) the Police Officers Federation of Minneapolis, effective January 1, 2012 through December 31, 2014.

Adopted.

Absent - Quincy.

Resolution 2013R-061, approving a 36-month labor agreement with the Public Works Engineers Unit represented by the Minneapolis Public Works Engineers Association, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-061 By Hodges

Approving the terms of a collective bargaining agreement with the Public Works Engineers Unit represented by the Minneapolis Public Works Engineers Association, and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Public Works Engineers Unit represented by the Minneapolis Public Works Engineers Association, (Petn No 276304), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted.

Absent – Quincy.

Resolution 2013R-062, approving a 36-month labor agreement with the Police Officers Federation of Minneapolis, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-062 By Hodges

Approving the terms of a collective bargaining agreement with the Police Officers Federation of Minneapolis, and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis the Police Officers Federation of Minneapolis, (Petn No 276304), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted.

Absent – Quincy.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Wellington Management to vacate the alley east of and adjacent to Hi-Lake Shopping Center, at the intersection of East Lake Street and the Hiawatha Light Rail Line (#1604), subject to retention of easement rights by the City of Minneapolis and Xcel Energy, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said public alley.

Adopted.

Absent – Quincy.

Resolution 2013R-063, vacating part of a public alley east of and adjacent to Hi-Lake Shopping Center, the intersection of East Lake Street and the Hiawatha Light Rail Line (Vacation File No. 1604), was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-063 By Schiff

Vacating part of a public alley east of and adjacent to Hi-Lake Shopping Center, the intersection of East Lake Street and the Hiawatha Light Rail Line (Vacation File No. 1604).

Resolved by The City Council of The City of Minneapolis:

That part of the alley as dedicated and adjacent to Block 1, Lakeland Addition to Minneapolis and adjacent to Block 2, Harvester Addition to Minneapolis, and lying southerly of a line drawn from right-of-way boundary corner B8 to right-of-way boundary corner B9 per Minnesota Department of Transportation Right of Way Plat No. 27-110, Hennepin County, Minnesota, according to the plats thereof on record in the office of the County Recorder in and for Hennepin County, Minnesota, is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy, their successors and assigns, to enter upon that portion of the aforedescribed alley, which is described in regard to said corporations as follows, to wit:

As to the City of Minneapolis: A 10-foot surface drainage easement for the benefit of the public, described as lying 5 feet on either side of the centerline of the area to be vacated.

As to Xcel Energy: An easement of the entire described area to be vacated.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations and the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said utility easement and surface drainage easement and upon or within the above-described areas without first obtaining the written approval of the corporations and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.

Where the area described above in regard to any of the other corporations, or any part thereof lies within the area described above in regard to the City of Minneapolis, the rights reserved to the other corporation or corporations shall be subordinate to the rights reserved to the City of Minneapolis to the same extent that said rights would be subordinate if this utility easement and surface drainage easement had not been vacated.

Adopted.

Absent – Quincy.

Z&P - Your Committee concurs in the recommendation of the Heritage Preservation Commission that the Town Talk Diner at 2707 1/2 East Lake Street be designated as a local landmark, and that the findings and designation study be adopted.

Your Committee further recommends passage of the accompanying resolution designating the Town Talk Diner as a local landmark.

Adopted.

Absent – Quincy.

Resolution 2013R-064, designating the Town Talk Diner at 2707 1/2 East Lake Street as a Historic Landmark, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-064 By Schiff

Designating the Town Talk Diner at 2707 1/2 East Lake Street as a Historic Landmark.

Whereas, the Minneapolis Heritage Preservation Commission (HPC) held a public hearing on January 15, 2013 and recommended to the Standing Committee on Zoning and Planning that the Town Talk Diner at 2707 1/2 East Lake Street become a landmark; and

Whereas, the recommended local designation of the Town Talk Diner will include all features of the exterior portions of the building historically known as the Town Talk Diner, but shall not include any portion of the adjacent buildings; and

Whereas, the Town Talk Diner local designation meets Local Designation Criterion One: The property is associated with periods that exemplify broad patterns of cultural, political, economic, or social history; Local Designation Criterion Four: the property embodies the distinctive characteristics of an architectural style; and Local Designation Criterion Five: the property exemplifies a development pattern distinguished by innovation, rarity, uniqueness or quality of design or detail; and

Whereas, prior to such recommendation, and in compliance with Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to Heritage Preservation Regulations, the HPC did refer the subject matter to the City Planning Commission (CPC) for review and recommendation, such CPC recommendation being made on December 6, 2012; and further did refer the subject matter to the Minnesota State Historic Preservation Office for review and comment, such favorable comment being made in a letter dated December 8, 2012; and

Whereas, on January 31, 2013 the Standing Committee on Zoning and Planning recommends designation as a historic landmark;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Town Talk Diner is hereby designated as a Landmark.

Adopted.

Absent – Quincy.

Z&P - Your Committee, having under consideration the appeal filed by Steven Wells from the decision of the Board of Adjustment upholding the Zoning Administrator's approval of a new single family dwelling located at 2380 West Lake of the Isles Parkway, now recommends that said appeal be denied and the decision of the Board of Adjustment be upheld, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Your Committee further recommends that the Findings of Fact and Recommendation prepared by the City Attorney and on file as FoF2013-11 in the Office of the City Clerk be adopted and made a part of this report by reference.

Adopted. Yeas, 11; Nays, 1 as follows:

Yeas - Glidden, Hodges, Samuels, Gordon, Reich, Hofstede, Schiff, Lilligren, Colvin Roy, Tuthill. Johnson.

Nays - Goodman.

Absent - Quincy.

MOTIONS

Hodges moved that the regular payrolls for all City employees under City Council jurisdiction for the month of March, 2013, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted.

Absent - Quincy.

RESOLUTIONS

Resolution 2013R-065, celebrating March 4, 2013 as the Centennial Anniversary of the United States Department of Labor, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-065

By Johnson, Reich, Gordon, Hofstede, Samuels, Lilligren, Goodman, Glidden, Schiff, Tuthill, Quincy, Colvin Roy, and Hodges

Celebrating March 4, 2013 as the Centennial Anniversary of the United States Department of Labor.

Whereas, for the past 100 years the United States Department of Labor has fostered, promoted, and developed the welfare of wage earners, job seekers, and retirees of this country; and

Whereas, the United States Department of Labor has continually sought to make the American workplace safer, healthier and fairer for everyone; and

Whereas, working families in the City of Minneapolis, across the country, and across the world have benefitted from the United States Department of Labor's efforts to assure work-related benefits and rights, including the right to be paid fairly for every hour labored; and

Whereas, the United States Department of Labor has evolved to meet the changing needs of a changing workforce by partnering with employers, community organizations and institutions of higher learning to improve job training, provide lifelong learning opportunities and advance efforts for profitable employment; and

Whereas, the impact of the United States Department of Labor has reached outside the confines of the workplace, touching people's lives at all stages, by allowing parents to take leave and tend to loved ones; training veterans and young people for the careers of a lifetime; and guaranteeing the pensions of retired workers; and

Whereas, the inestimable value of the services provided by the United States Department of Labor will remain of paramount importance to the well-being of all Americans and that it will address tomorrow's conditions, and meet the needs of future workers with the same insight, foresight and passion it has shown for the past century.

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That all residents of the City of Minneapolis are asked to join in celebrating Monday, March 4, 2013 as the Centennial Anniversary of the United States Department of Labor.

Adopted.

Absent – Quincy.

Resolution 2013R-066, honoring Minneapolis' Women and Girls and Proclaiming February 14, 2013 as ONE BILLION RISING DAY, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-066

By Schiff, Reich, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Tuthill, Quincy, Colvin Roy and Hodges

Honoring Minneapolis' Women and Girls and Proclaiming February 14, 2013 as ONE BILLION RISING DAY.

Whereas, V-Day is a global activist movement started February, 14th, 1998 by Eve Ensler and a group of women in New York City, to end violence against women and girls. V-Day is a catalyst that promotes creative events to increase awareness, raise money, and revitalize the spirit of existing anti-violence organizations. V-Day generates broader attention for the fight to stop violence against women and girls, including rape, battery, incest, female genital mutilation, and sex slavery; and

Whereas, the V-Day movement is in 167 countries from Europe to Asia, Africa and the Caribbean and all of North America, with nearly 6,000 events annually and distributes funds to

grassroots, national and international organizations and programs that work to stop violence against women and girls; and

Whereas, in conjunction with the 15th anniversary of V-Day, the ONE BILLION RISING campaign was launched. ONE BILLION RISING is based on the statistic that 1 out of 3 women will experience violence in her lifetime, which means that over 1 billion women on this planet will be impacted by violence. On V-Day's 15th Anniversary, February 14, 2013, ONE BILLION women and those who love them will walk out, dance, rise up, and demand an end to violence against women and girls; and

Whereas, as a part of Eve Ensler's global movement, ONE BILLION RISING, Minneapolis women and men can stop what they are doing, join together in solidarity and strike, dance, rise, and demand an end global and local violence against women; and

Whereas, in Minneapolis, ONE BILLION RISING events will include a dance and march at Powderhorn Park, a flash mob in downtown Minneapolis, a dance party by Sisters for Social Justice at the Minneapolis Community and Technical College, and a rally on the Stone Arch Bridge;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That we honor Minneapolis' women and girls and proclaim February 14, 2013 ONE BILLION RISING DAY.

Adopted.

Absent - Quincy.

Resolution 2013R-067, honoring Activist Mahmoud El-Kati, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-067

By Glidden, Reich, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Tuthill, Quincy, Colvin Roy, and Hodges

Honoring Activist Mahmoud El-Kati.

Mahmoud El-Kati is an advocate of building ones humanity through the understanding of their culture, history and community; and

Whereas, Mahmoud El-Kati is a distinguished scholar, published author, columnist, commentator, moderator, and professor of African American behavior and history; and

Whereas, Mahmoud El-Kati is a lecturer, writer, and commentator on the African American experience; and

Whereas, Mahmoud El-Kati is the co-founder and director of the annual Pan-African Conference at Mankato State University, which over the last 24 years, has featured discussions on African thought throughout the Diaspora; and

Whereas, Mahmoud El-Kati has published four books, all related to the black and/or African American experience; and

Whereas, Mahmoud El-Kati is the recipient of the National Association of Black Storytellers' Zora Neale Hurston Award; given to people whose scholarly historical writings preserve the culture and tradition of African and African –American people; and

Whereas, Mahmoud El-Kati is dedicated to his ultimate intent of not only to help African Americans understand, appreciate and preserve their great heritage, but also speak to the members of the larger society, who are looking for avenues of understanding themselves and their African American country men; and

Whereas, Mahmoud El-Kati has been fighting for social justice for over 40 years;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby honors and observes the great contributions of Mahmoud El-Kati to the City of Minneapolis and Minneapolis' African American culture, history and community. Adopted.

Absent - Quincy.

Resolution 2013R-068, honoring the 2013 Rev. Dr. Martin Luther King, Jr. Essay Contest Winners, was adopted by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2013R-068

By Reich, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden, Schiff, Tuthill, Quincy, Colvin Roy, and Hodges

Honoring the 2013 Rev. Dr. Martin Luther King, Jr., Essay Contest Winners.

Whereas, the Minneapolis Commission on Civil Rights was established in 1975 to implement Civil Rights policies through public information, education, mediation, conciliation and adjudication; and

Whereas, the Commission provides leadership in the areas of civil rights and carries forward the policies of the City through the prevention and elimination of bias and discrimination; and

Whereas, the Rev. Dr. Martin Luther King, Jr., believed that liberty, justice and freedom were the 'inalienable rights' of all men, women and children, and that all people were equal in the sight of God and deserving of dignity and self-worth; and

Whereas, the Rev. Dr. Martin Luther King, Jr., a recipient of the Nobel Prize, became a national hero whose birthday has been declared a national holiday by his nation's government; and

Whereas, Rev. Dr. Martin Luther King Jr., inspired people and nations world-wide to strive in non-violent manners for the human rights, civil liberties, and economic guarantees rightfully due people of all races; and

Whereas, the Minneapolis Commission on Civil rights established the Annual Rev. Dr. Martin Luther King, Jr., Essay Contest in 2005 as an opportunity to continue and renew this endeavor through education; and

Whereas, all sixth, seventh and eighth grade students who reside in Minneapolis were eligible to participate by submitting one essay with their answers to this topic: "As a member in your community, what responsibility do you have to protect human rights in your community? How can you make a change in your community?"; and

Whereas, the Minneapolis Commission on Civil Rights selected the following prize winners from each grade level:

8th Grade:

1st place – Kalley Carlson, Anwatin Middle School 2nd place – Odessa Schmidt, Anwatin Middle School 3rd place – Ubah Abdulkadir, Anwatin Middle School

7th Grade:

1st place – Ginny Lindberg, Anthony Middle School 2nd place – Emily Christiansen, Anthony Middle School 3rd Place – Clare Loomans, Anthony Middle School

6th Grade:

1st place - Abdulwahid Abshir, Heritage Academy of Science and Technology

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Minneapolis City Council honors and appreciates all of those students who participated in the 2013 Rev. Martin Luther King, Jr., Essay Contest and gives special recognition to those who won 1st, 2nd and 3rd places.

Adopted.

Absent – Quincy.

UNFINISHED BUSINESS

Pursuant to notice on January 25, 2013, Gordon moved to introduce the subject matter of an ordinance amending Title 4, Chapter 64 of the Minneapolis Code of Ordinances relating to Animals and Fowl: Dogs, Cats, Ferrets, and Rabbits, for first reading and referral to the Public Safety, Civil Rights & Health Committee (amending various provisions to authorize and regulate trap-neuter-release feral cat programs). Seconded.

Adopted upon a voice vote.

Absent - Quincy.

Pursuant to notice on January 25, 2013, Gordon moved to introduce the subject matter of an ordinance amending Title 11, Chapter 229 of the Minneapolis Code of Ordinances relating to *Health and Sanitation: Pest and Vermin Control*, for first reading and referral to the Public Safety, Civil Rights & Health Committee (amending provisions to address the feeding of feral cat communities). Seconded.

Adopted upon a voice vote.

Absent – Quincy.

Pursuant to notice on January 25, 2013, Gordon moved to introduce the subject matter of the following ordinances amending Title 20 of the Minneapolis Code of ordinances relating to *Zoning Code*, for first reading and referral to the Zoning & Planning Committee (allowing more flexibility regarding the size of commercial uses in certain zoning districts):

- a) Chapter 527 relating to Planned Unit Development;
- b) Chapter 547 relating to Office Residence Districts;
- c) Chapter 548 relating to Commercial Districts; and
- d) Chapter 549 relating to Downtown Districts. Seconded.

Adopted upon a voice vote.

Absent - Quincy.

Gordon moved to postpone the introduction of the subject matter of an ordinance amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to *Zoning Code: Overlay Districts*, for first reading and referral to the Zoning & Planning Committee (reducing the required parking in the University Area Overlay District). Seconded.

Adopted upon a voice vote.

Absent – Quincy.

Pursuant to notice on January 25, 2013, Schiff moved to introduce the subject matter of the following ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to *Zoning Code*, for first reading and referral to the Zoning & Planning Committee (expanding the requirement to provide bicycle facilities in new development projects):

- a) Chapter 541 related to Off-Street Parking and Loading; and
- b) Chapter 549 related to Downtown Districts. Seconded.

Adopted upon a voice vote.

Absent – Quincy.

NEW BUSINESS

Gordon gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Chapter 2, Section 13 of the Minneapolis City Charter relating to *Officers - Elections: Filing for Election* (specifying the filing fee for candidates for election at any city election).

Lilligren moved to adjourn to Room 315 City Hall to consider the *McLaurin v. City of Minneapolis* lawsuit. Seconded.

Adopted upon a voice vote.

Absent - Quincy.

Room 315 City Hall

Minneapolis, Minnesota

February 8, 2013 - 11:23 a.m.

The Council met pursuant to adjournment.

Council President Johnson in the Chair.

Present – Council Members Glidden, Goodman, Hodges, Gordon, Reich, Hofstede, Tuthill, President Johnson.

Absent - Council Members Quincy, Samuels, Schiff, Lilligren, Colvin Roy.

City Attorney Segal stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the *McLaurin v. City of Minneapolis* lawsuit.

At 11:25 a.m., Gordon moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent – Quincy, Samuels, Schiff, Lilligren, Colvin Roy.

Present - Glidden, Goodman, Hodges, Samuels (In at 11:26 a.m.), Gordon, Reich, Hofstede, Lilligren (In at 11:27 a.m.), Colvin Roy (In at 11:31 a.m.), Tuthill, President Johnson. Absent – Quincy, Schiff.

Also present – Susan Segal, City Attorney; Gregory Sautter, Assistant City Attorney; Jenn O'Rourke, Mayor's Chief of Staff; Steve Kotke, Director of Public Works; Bernie Bullert, Public Works Water Administration; Casey Joe Carl, City Clerk; and Jackie Hanson, City Clerk's Office.

Sautter summarized the *McLaurin v. City of Minneapolis* lawsuit from 11:25 a.m. to 11:50 a.m.

At 11:50 a.m., Gordon moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent – Quincy, Schiff.

Lilligren moved to settle the case of *Anne McLaurin v. City of Minneapolis*, 4th Judicial Distrcit, Court File No. 27-CV-12-8625, upon the following terms and conditions: payment in the amount of \$160,000 to Plaintiff Anne McLaurin and her Attorney Dan Rasmus and authorize the City Attorney to execute any documents necessary to effectuate the settlement payable from Fund/Org 16900 1500100 145690. Seconded.

Adopted.

Absent – Quincy, Schiff.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Lilligren moved to adjourn. Seconded.

Adopted upon a voice vote.

Absent - Quincy, Schiff.

Casey Joe Carl, City Clerk

Official Posting: 2/15/2013

Corrections: 4/17/2013; 4/18/2013; 4/19/2013